

WEBB COUNTY PERSONNEL POLICIES



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DEFINITIONS

Classification/Reclassification: Classification is the process of evaluating the structure of jobs so that they may be arranged into classes and pay groups which are charted in the County Pay Plan.

Court: The Webb County Commissioners' Court.

Commission: The Webb County Civil Service Commission

Compensatory Time: Referred to as comp time, is paid time off given to a non-exempt employee instead of overtime pay.

Demotion: A demotion is the movement of an employee from a higher pay grade to a lower pay grade. This occurs when an employee is transferred or accepts a vacant position that is at a lower pay grade from his/her current position. In the case of a vacant position not being available, the Elected Official or Department Head may revert the employees' slot/pay to discretionary entry rates (A-E, A-H or A-J).

Employment Categories: This term denotes the status of employment.

Equity: A "one-time" adjustment given to the employee and was included in the initial implementation of the new pay system.

Excessive Absenteeism: Five (5) or more spells of absenteeism in any 30-day period that may be construed as a lack of commitment to the employee's responsibilities.

FLSA: Fair Labor Standards Act

FMLA: Family Medical Leave Act (*Refer to Policy 8.24-8.32*)

Full Month: for purposes of accruals only, means any month where not more than four (4) hours of leave were taken without pay within that calendar month.

Investigative Administrative Leave: Investigative Administrative Leave is the temporary release from duty for up to ten (10) working days while an investigation is conducted into any serious violation of civil service or department rules or regulations.

Involuntary Transfer: Subject to appeal through the grievance process, employees may be involuntary transferred at management's request.

Job Description: A written description of the duties, responsibilities, reporting relationships and requirements for a position that has been approved by the Court and Commission.

Lateral Transfer: This transfer occurs when a full-time employee moves to another position within the same pay grade (whether in the same department or another). An employee who lateral transfers shall be paid the same step he/she received prior to transferring.

Leave: Time during regular working hours in which an employee does not engage in the performance of job duties, leave time may be either paid or unpaid.

Overtime: The amount of Time someone works over the normal working hours (40 hours)

Pay Plan: a document that assigns dollar values to each job class, group classes into pay grades, and arrays pay grades on a pay schedule showing salary and wage steps and ranges for each grade

Personnel Worksheet: The Personnel Worksheet (Pink Form) is the official document for recording and transmitting to the personnel file each personnel action.

Personal Days: An employee is granted one personal day, upon completion of six (6) months or the probationary period, on the first day of each quarter of the fiscal year, i.e. October 1, January 1, April 1, and July 1.

Performance Evaluation: The performance evaluation is designed to help the supervisor and employee measure how well the employee is doing his or her job; to provide a tool for management decisions regarding assignment, promotion and retention of employees; and to identify performance problems that need to be addressed.

Probationary Period: The first six months of continuous employment or re-employment with the County. During this time the employee must demonstrate ability to perform the required duties. Failure to perform satisfactory will result in dismissal without the right to appeal.

Promotion: This occurs when a full-time employee moves to another position with a higher pay grade (whether in the same department or another).

Regular Full-time: A regular full-time employee is employed to hold an authorized position that involves, on the average, at least forty (40) hours per week. Employees who are hired into positions that are expected to require at least 30 hours per week, will be treated as full time, subject to measurements described below.

Regular Part-time: A regular part-time employee is employed to hold an authorized position that involves, on the average, fewer than forty (40) hours per week, but no less than nineteen (19) hours per week. For employees who are not expected to work at least 30 hours per week, including employees whose hours are not known when they are hired, Webb County will use a measurement period of twelve months.

Temporary: A temporary employee is an employee hired to complete a specific project within a specified period of time. Temporary employees may work full time or part time. Temporary employees do not receive employee benefits other than legally mandated benefits.

Termination: Termination is the involuntary discharge of an employee. Discharge is appropriate when a prior reprimand, suspension, or demotion does not produce satisfactory results in correcting behavior or performance.

or when the department determines that a violation of a rule or policy is serious enough to warrant a termination without prior use of less severe discipline.

Transfer: A transfer is a movement of an employee from one department to another.

Unauthorized Absence: An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor, appropriate Elected Official or Department Head. Employees are not paid for unauthorized absences, and cannot use accruals to compensate for that absence.

Volunteer/Reserve: An individual who donates time on his or hers own free will to service the community.

Voluntary Transfer: Transfers made at the employee's request.

Workers' Compensation: A form of insurance providing wage replacement and medical benefits to employees injured in the course of employment. (*Refer to Chapter IX*)

Work Week: For purposes of FLSA compliance, the workweek for County employees shall begin at 12:00 a.m. Friday and end at 11:59 p.m. Thursday.

I. ORGANIZATION

1.01 Legal Status: Webb County's governmental organization is established by the Constitution of the State of Texas and by State Statutes. Its operations are governed by state and federal law and by actions of the Commissioners Court. Webb County is an organization supported by Public Funds.

1.02 Local Governance: The Commissioners Court consists of four County Commissioners, each elected by the voters of a Commissioner's precinct, and the County Judge, elected by all of the voters of the County. The Commissioners Court is the primary policy-making body of the County. County operations are conducted through departments each, administered by an Elected Official or appointed Department Head. As used herein, "Department Head" shall be construed to include Elected Officials where appropriate.

1.03 Authority: These policies are established by the Commissioners Court of Webb County and replace all previously approved policies. They are applicable in their entirety to all departments under the direct authority of Commissioners Court. Further, these policies are applicable to all County employees to the extent that the Commissioners Court has authority over the subject matter of any particular policy including, but not limited to, issues of pay, leave, employee benefits, and fiscal matters. Certain of these personnel policies may be contingent upon available funds in each County department's budget and in the general Webb County Operating Budget as well as any other funding sources.

1.04 Purpose: These policies set forth the primary rules governing employment with Webb County. The policies contained herein inform employees of the benefits and obligations of employment with the County. They have been prepared and adopted in order to promote consistent, equitable, and effective practices which will result in high quality public service by both employees and supervisors. The policies contained in this manual do not constitute any type of employment agreement with Webb County.

1.05 Responsibility for Implementation: Elected Officials and Department Head are responsible for the administration of the personnel policies within their elected office or department.

1.06 Applicability of Personnel Policies: The personnel policies apply equally to all employees and officials of the County unless a class of employees is specifically exempted. In cases where federal law or regulation supersedes local policy for specific groups of employees, such laws or regulations will

substitute for these personnel policies only insofar as necessary to comply. Elected officials and Department Heads must abide by these personnel policies in the administration of their Departments.

1.07 Departmental Policies and Procedures: Any County Department that wishes to adopt policies and procedures specific to that Department relating to personnel issues must prepare and submit the proposed department policies to the Civil Service Commission. The Commission will review the proposed policies to ensure that they do not conflict with adopted Rules and Regulations. Such policies will be effective only after approval during an open session meeting of the Commission in accordance with the Texas Open Meetings Act. Any amendments to departmental rules must be likewise approved by the Commission. After the departmental rules are approved, the department shall distribute copies to its employees, and shall also be provided to all new employees.

1.08 Distribution of Personnel Policies: Complete copies of the Personnel Policies manual will be maintained by the County Clerk's Office as an official record of the Commissioners Court. Furthermore, copies of the current manual with all revisions will be maintained by the Human Resources Department which shall make copies of this manual available to employees upon request and shall ensure that his/her employees are notified of this availability. A copy of the manual will be placed on Webb County's website. Each new employee will be provided with a copy of the manual and shall acknowledge receipt of the manual in writing.

II. EMPLOYMENT

2.01 General Policy: It shall be the policy of Webb County to be an equal opportunity employer. Thus, Webb County is committed to providing equal employment opportunity without regard to race, color, religion, national origin, sex (including pregnancy, sexual orientation, or gender identity, age, disability, genetic information, or military status, as required by state and federal laws. The County's commitment extends to all employment related decisions as well as to terms and conditions of employment. In addition to the foregoing, no person shall on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in the administration of or in connection with, any program or activity of Webb County regardless of funding source. This policy is not to be construed to prohibit the County from establishing bona fide occupational qualifications that relate to

abilities required to perform a job under circumstances allowed by law. There is no tenure or permanent lifetime employment or appointment for Webb County employees. All employees are subject to periodic performance review and evaluation in accordance with the Personnel Policies Manual and the Civil Service Rules and Regulations, if applicable.

2.02 Department Responsibility: Each Department Head, elected or appointed, is responsible for the selection and tenure of his or her employees within the budget and numerical limits set by the Commissioners Court. Personnel budgets and authorized numbers of positions are established by the County budget and salary schedules, and amendments thereto, as approved by the Commissioners Court. The Civil Service Rules and Regulations governing recruitment and selection of employees must be followed for all civil service positions.

2.03 Employment Procedures: Employee vacancies in county departments are filled on the basis of merit, whether by promotion from within or by initial appointment. Selections of the persons best matched to fill the vacancies are made only on the basis of occupational qualifications and job related factors such as skill, knowledge, education, experience, and ability to perform the specific job. Department Heads must inform and receive approval of the Commissioners Court prior to the filling of any vacancy. An elected official or department head may not fill a vacancy caused by the discharge of a civil service employee until that person's appeal, if any, to the Webb County Civil Service Commission is decided in favor of the department and becomes final.

2.04 Qualifications: Each Department Head determines the method of selection to be used in filling a vacancy in accordance with the Civil Service Rules and Regulations as well as all applicable State and Federal laws and regulations

2.05 Public Announcements: Public announcements of employment vacancies for both civil service and non-civil service positions are to be posted and disseminated by the Human Resources Department in the manner required by the Webb County Civil Service Rules and Regulations. Additionally, for any position paying \$40,000 or more per year in a department under the direct authority of the Commissioners Court, a notice of vacancy shall be prepared by Human Resources that contains the job title, a description of duties, necessary qualifications, and any other appropriate information about the position.

2.06 Application for Employment: Any Department Head or Elected Official that wishes to fill a vacancy must provide Human Resources with a Job Announcement Request and must have a job

description on file with Human Resources before a position can be posted. Each applicant for a given position must complete a job application through the County's on-line application system and submit to Human Resources. Human Resources will verify if applicants meet the minimum qualifications. The Department Head shall make appropriate inquiries to verify experience, character, and suitability of any applicant. Such inquiries shall be in accordance with all applicable State and Federal laws and regulations. Each appointment to a position that results in an individual being hired for employment shall provide a job application to the Webb County Human Resource Department. Failure to comply with this shall disqualify the applicant or employee for employment.

2.07 Consideration of Current Employees: Current County employees shall be permitted to apply for positions for which they believe they are qualified. When a department has a vacancy, it may choose to recruit internally within the department, or to recruit outside of the department (external)). If the position is to be filled internally, the vacancy shall be posted within that department for three (3) days and external for five (5) days thru *NeoGov*.

2.08 Disqualification: An applicant or employee applicant for another county position may be disqualified from employment with Webb County for the following reasons:

- A. The applicant does not meet the minimum qualifications necessary to perform the duties of the position for which he/she is applying.
- B. The applicant has falsified, misrepresented, or omitted material facts or information on his/her job application for employment or documents offered in support of the application for employment.
- C. The applicant has falsified, misrepresented his/her qualification or other material facts or information during his/her job interview.
- D. The applicant has been convicted of a felony or any misdemeanor involving moral turpitude in the past ten years and the nature of the crime is directly related to the

duties and responsibilities of the position. The word "convicted" shall be construed to mean a finding of guilt or acceptance by the court of a plea of guilty, or a nolo contendere without regard to subsequent disposition of the case or suspension of sentence, probation, deferred adjudication, pre-trial diversion, or otherwise. The words "moral turpitude" shall be construed to mean any act of baseness, vileness or depravity, or any act done contrary to justice, honesty, modesty, or good morals, or any act done with deception or through corrupt motives.

- E. The applicant has practiced or attempted to practice any deception or fraud in his/her application or examination, or in securing his/her eligibility or appointment.
- F. The applicant has been disqualified within the past three years from the same or any other County examination or has been removed from a position under circumstances which, in the sole opinion of the Department Head, renders him/her equally unfit for the position for which he/she applies.
- G. The applicant has indicated through words or actions an inability or unwillingness to attend work on a regular basis or on a schedule established by the department.
- H. Information garnered through reference checks discloses a valid basis for rejection.

In addition to the foregoing, an applicant will be ineligible for any given position under the following circumstances:

- A. The applicant has inappropriately used or attempted to use any personal or political influences to further eligibility or appointment to that position.
- B. The applicant has been unable to be contacted after a reasonable effort (as may be determined by the hiring department), has failed to appear for an interview, or has declined an interview or job offer for that position.

Conduct described in this subsection constitutes just cause for termination of employment.

2.09 Employment of Relatives: Nepotism is the showing of favoritism toward a relative. The practice of nepotism in hiring personnel or awarding contracts is forbidden by the County. The hiring of employees shall not violate the nepotism laws contained in Texas Government Code, §§ 573.041 and 573.044. No person may be hired who is related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood) to any member of the Commissioners Court, to a County official who appoints him or her to the position, or to any employee who would directly supervise his or her job performance.

In the event that two current county employees become related in a manner prohibited by this section, the two parties will be given a reasonable time (not to exceed 120 days) for one or the other to secure another position, either within the County in another department, or outside County government. If the two parties cannot decide which of them will forfeit his or her job, the party with the least seniority will be terminated

2.10 Employment at Will: A position with Webb County does not constitute a contractual relationship for a specific length of time of employment. Other than civil service positions, employment with Webb County is "at will", that is, either the employee or the employer can sever the employment relationship at any time without notice, for any legal reason or for no reason at all. At-will employees who are dismissed shall receive pay through the end of the last day of work. Nothing in this employment policy manual or in any document or statement shall limit the right to terminate employment at-will. An at-will employment relationship, standing alone without benefit of recognized exception, triggers no due process requirement nor right.

2.11 Hiring Process: In addition to all other hiring criteria required by these policies, applicants seeking employment shall submit to a criminal background check and Employment Eligibility Verification (I-9.) After the Commissioners Court, Elected Official or Department Head, whichever is applicable, has completed its initial review and/or interview process, the finalists for the position will be required to submit to a drug and alcohol screening as arranged by the Human Resources Department. The results of all of these reports may be used as part of the screening process to determine eligibility and suitability for employment.

2.12 Americans with Disabilities Act: The County, through its officials, department heads, and employees, complies with the Americans with Disabilities Act ("ADA") and the regulations

implementing the ADA including, but not limited, to those promulgated by the U.S. Equal Employment Opportunity Commission at 29 C.F.R. Part 1630. Accordingly, the County:

1. will not ask a job applicant about the existence, nature, or severity of a disability.
Applicants may be asked about their ability to perform specific job functions. Medical examinations or inquiries may be made, but only after a conditional offer of employment is made and only if required of all applicants for the position.
2. will make reasonable accommodations for the known physical or mental limitations of a qualified applicant or employee with a disability upon request unless the accommodation would cause an undue hardship on the operation of the County's business. If an applicant or an employee requests a reasonable accommodation and the individual's disability and need for the accommodation are not readily apparent or otherwise known, the County may ask the individual for information necessary to determine if the individual has a disability related need for accommodation.
3. will maintain any employee's medical records separate from personnel files and keep them confidential will make an individualized assessment of whether a qualified individual with a disability meets selection criteria for employment decisions. To the extent the County's selection criteria have the effect of disqualifying an individual because of disability; those criteria will be job-related and consistent with business necessity.

2.13 Ineligible for Employment with Webb County: A Former Webb County Employee who was terminated for violating a Webb County Personnel Policy or a Webb County Civil Service Rule and/or Regulation, in which the employee exhausted or waived all administrative remedies made available to the employee by either a collective bargaining agreement or the Webb County Civil Service Commission shall no longer eligible to work for Webb County for a period of 10 years if the grounds for termination was for: theft, a crime of moral turpitude, destruction of government property, falsifying documents, dishonesty, felony conviction, failing to disclose a conflict of interest, misusing county property, a violation of the drug and alcohol policy, sabotage, fraud, misrepresentations of job qualifications, sexual harassment, sexual activity on county property, immoral conduct or indecency, accepting gifts for quid pro quo, release of confidential information that is designated as confidential by law, accepting a bribe and/or having a financial interest in the outcome of an agreement. This rule shall also apply if the employee resigned in

lieu of termination. A transfer to another department in lieu of termination does not affect the application of this Employment Policy.

2.14 Breaks for Expression of Milk: The County supports the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided. A reasonable amount of break time will be provided when the employee has a need to express milk. Employees should meet with their supervisor to discuss their needs and arrange break times. The County's "Mother Friendly Worksite Policy" is incorporated herein by reference as if set forth in its entirety and shall have the same force and effect as the other provisions of this document.

III. EMPLOYEE COMPENSATION AND CLASSIFICATION

3.01 General Process: Any and all new hires, promotions, demotions and transfers, shall not be eligible to start at the new position until all requisite pre-employment screening and / or paperwork is completed by the Human Resources (HR) Department and approved by the Budget Office (BO). Pay Grades, salaries and start dates are not finalized until approved by the HR and BO. Failure to comply with this pre-employment and/or paperwork process will require that the individual County Department be responsible for any discrepancy in salary from what was offered by the Department Head versus what was approved by the HR and Budget Office. The difference shall be taken from the Department's budget. Each Elected Official and Department Head seeking to change titles and significant job duties for positions approved and budgeted by the Commissioners Court, requires Court approval. No transfer shall be effective until both departments have agreed upon the transfer of annual leave, sick leave, personal holidays, and all other requisites have been completed and approved by HR and BO.

3.02 Procedure: The County maintains a classification plan, which assigns each class of positions to pay group based on the principle of equity among positions requiring similar levels of responsibility. Classification of jobs is done for the position and not for the person currently filling or being considered for a job. For purposes of classification/pay administration, the definitions are as follows:

1. A job description is a written description of the duties, responsibilities, reporting relationships and requirements for a position that has been approved by the Court

and Commission.

2. A pay plan is a document that assigns dollar values to each job class, group classes into pay grades, and arrays pay grades on a pay schedule showing salary and wage steps and ranges for each grade.
3. Equity is “one- time” adjustment given to the employee and was included in the initial implementation of the new pay system.

The compensation plan developed for the county is based on an internal value system reflected in the classification plan and on a salary survey of comparable organizations to help assure an eternally equitable and competitive pay system.

The pay plan consists of 28 grades and 52 steps. The range is deliberately broad so that problems associated with employees reaching the top of their pay range will be minimized.

- ❖ All new hires shall be placed at the entry level of their specific Grade or Discretionary Step at the discretion of the Department Heads and Elected Officials within the limits of *Figure 1* and *Figure 2*.

Figure 1

Grade		Steps
5-15	Discretion to Hire up to 5 Steps into the Grade	A,B,C,D,E
16-20	Discretion to Hire up to 8 Steps into the Grade	A,B,C,D,E,F,G,H
21-28	Discretion to Hire up to 10 Steps into the Grade	A,B,C,D,E,F,G,H,I,J

- ❖ For Attorneys Only (Public Defender, County Attorney, District Attorney and Civil/ Legal), the Department Head and Elected Official will have the discretion to place a new hire above the minimum entry rate as follows:

Figure 2

Grade	Experience	Steps
22	0-2 years	K-M
	3-4 years	N-P
	5 years or more	Q-S
23	0-2 years	N-P
	3-4 years	Q-S
	5 years or more	T-V
24-26		N-W
27-28		K-M

Note: Experience should be in the field of law.

- I. Promotions: An employee, excluding Attorneys, shall be promoted when:
- ❖ The employee moves to a position classified in a higher pay grade and meets the minimum requirements of that position.
 - ❖ Effective Pay Start Date section.
 - ❖ Promotions may occur intra/interdepartmental (within and between departments).
 - ❖ In the event an employee is promoted during their probationary period, the Elected Official or Department Head has the discretion to place the employee at a higher pay step in accordance with Section 3.02 of the Webb County Personal Policy Procedures, after the mandatory six-month-probationary period. The probationary period does not prematurely end or restart by virtue of the employees' promotion.

At the time an employee is promoted to a previously established position in a classification with a higher pay grade, the step within the pay grade will be based on the higher of:

- A. 5% percent above the employee's current grade and step (pre-promotion); please note that when calculating the amount of the 5% percent pay, If the proposed salary

or

Figure 3

- II. Lateral Transfers: transfers can only occur within the same pay grade.
- III. Salary adjustments (Current Position, Slot & Grade): In the case of a re-evaluation of a position(s) based on Changes in Duties or a market review, the Elected Official or Department Head may seek to have that salary adjusted subject to the **Salary Review Dates** below. The adjustment may be one step, or multiple steps, but shall never exceed the steps identified in **Figure 1** and/or **Figure 2**.
- IV. Any salary adjustments regarding discretionary steps must first be submitted to Human Resources for review and evaluation prior to Commissioner's Court consideration for approval.

- February 1st for April consideration and/or approval, or

- July 1st for Budget consideration and/or approval

3.03 Pay Period: Webb County will pay employees biweekly on Friday for the two-week period ending the Thursday of the previous week. In the event that a payday falls on a County holiday, wages will be paid on the previous working day. Wages will be direct deposited into an employee's bank account. If the employee has no bank account, a pay card will be issued.

3.04 Pay Periods JJAEP: Exempt JJAEP employees shall have the option of receiving their annual salaries paid on a bi-weekly basis spread over the course of the fiscal year rather than being paid only during the academic year. A request to be paid in this manner shall be made in writing by such employee to the Webb County Treasurer's Office.

3.05 Payroll Deduction: Deductions will be made from each employees pay for the following:

1. Federal Income Taxes;
2. Social Security (FICA); and
3. Employee's contribution to the County and District Retirement System.

3.06 Part-Time Employees: Part-Time Employees may be hired by departments that have a part-time line item and part-time funds in their adopted budgets. A part-time employee can be hired without Commissioners Court approval but must be processed and screened for acceptance by the department of Human Resources. Pay for part-time employees cannot exceed \$15 per hour and hours worked cannot be more than twenty-five (25) per week unless approved by Commissioners Court.

IV. EMPLOYEE RESPONSIBILITIES

4.01 General Statement: Webb County is an organization supported by public funds. Webb County officials, Department Heads and employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain a good moral conduct, and to do their part in maintaining good relationships with the public, with other governmental employees and officials, with their supervisors, and with fellow employees.

4.02 Timeliness: Employees are to be punctual in maintaining work hours, keeping appointments and meeting schedules for completion of work.

4.03 Outside Employment: An employee who engages in employment outside the County must notify his or her Department Head within three (3) calendar days of being hired by the other entity, whether public or private. Such employee must also provide notification for any change of outside job. Outside employment is prohibited and is cause for disciplinary action if it:

1. is inconsistent or incompatible with employment with the County;
2. results in tardiness, absenteeism, or refusal to work overtime when deemed necessary by the Department Head; or
3. adversely affect the employee's job performance.

County-issued uniforms or apparel, other than that issued for law enforcement personnel, may not be used in the outside employment activities. County-issued uniforms or apparel may not be worn while engaging in political activities.

4.04 Conflict of Interest: An employee shall not engage in any employment, relationship, or activity which could be viewed as a conflict of interest because of the potential appearance of affecting the employee's job efficiency, or which would reduce his/her/ ability to make objective decision in regard to his/her work responsibility as a county employee. An employee may not:

1. solicit, accept, or agree to accept a financial benefit, directly or indirectly, other than from the County, that might reasonably tend to influence his or her performance of duties for the County, or that he or she knows or should know is offered with intent to influence the employee's performance;
2. accept employment or compensation that might reasonably induce him or her to disclose confidential information acquired in the performance of job duties;
3. accept outside employment or compensation that might reasonably tend to impair independence of judgment in performance of duties for the County;
4. make any personal investment that might reasonably be expected to create a substantial conflict between the employee's private interest and duties for the County; or

5. solicit, accept, or agree to accept a financial benefit from another person in exchange for having performed duties as a County employee in favor of that person.

4.05 Political Activity: Employees of Webb County are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and these policies. A County employee may not:

1. Use his or her official authority or influence to interfere with or affect the result of an election or nomination for office. The wearing of buttons or display of other advertising on the employee during working hours is prohibited. The display of political advertising on County assets is prohibited at any time.
2. Directly or indirectly coerce, attempt to coerce, command, or advise, during work hours, a state or county official or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency or person for political purpose.
3. The raising of funds on County property for any political candidate is strictly prohibited. This prohibition does not apply to property that is leased or rented for a fee for the purpose of staging a fundraiser or other private event.

4.06 Candidate for Elective Office: A county employee, other than an Elected Official, may not be a candidate for elective office in a partisan election in those circumstances where their candidacy would create a conflict of interest or incompatible situation. A partisan election is an election in which candidates are to be nominated or elected to represent a party whose candidates for presidential electors received votes in the last preceding election at which presidential electors were selected. Employees who are paid with Federal funds are prohibited from running for public office while being compensated with federal funds or grants as per the Hatch Act of 1939.

4.07 Natural Disasters and Emergencies: Employees of Webb County may be required to work during any natural disaster or emergency. These emergencies may require separation from family members for extended periods and each employee is encouraged to provide for his or her family accordingly. Refusal to work during such emergencies may result in disciplinary action, up to and including termination. This is a formal condition of employment with Webb County. The determination of which positions or natural

disaster and the designation of personnel who shall be required to work during such emergencies shall be made by each Department Head and is incorporated in Webb County's Emergency Operations Plan.

4.08 Use of County-Owned Vehicles: Webb County employees who are authorized to drive County-owned vehicles must observe the following rules:

- County-owned vehicles may not be used for any purpose other than official County business. Any employee or official who uses a County-owned vehicle to travel between his/her home and worksite or for other personal purposes are subject to applicable Internal Revenue Service Rules.
- County-owned vehicles may not be used to transport non-County employees except in the course of official business.
- County-owned vehicles are not to be driven by anyone other than the Webb County employee who is authorized to do so.
- Webb County employees who are authorized to drive County-owned vehicles are required to have in his or her possession the appropriate driver's license, to comply with all applicable state and federal laws and regulations, and to maintain clean driving records to assure insurability under the County's automobile liability coverage.

4.09 Travel for County Business: The County reimburses employees for travel in a private vehicle used for County business. Further information may be obtained in the County's General Order.

4.10 Computer use Policy: Internet, email, and instant messaging services are provided by Webb County to enable its employees to better serve the public. The County recognizes that these services facilitate the flow of information and are valuable tools in discharging its responsibilities. The regulations and restrictions contained in this policy are intended to achieve the following goals:

- To ensure that computer services are used for appropriate County purposes;
- To wisely use limited resources, including but not limited to internet bandwidth and storage space on the County server as well as individual computers;
- To avoid streaming video or audio clips or other such downloads that use excessive resources and adversely affect legitimate uses of the internet; and

- To avoid the introduction of viruses, worms, and other destructive forces by music downloads or other means.

4.11 Monitoring of Computer Usage: All computer equipment, including without limitation, hardware, software, media, files, and information generated or stored by such equipment, is the property of Webb County. Webb County, Information Technology (“IT”) Department, or any person acting on their behalf may monitor and/or review any information or data generated by or stored on such computer equipment at any time without notice to you. Neither Webb County nor IT is required to notify you if and when your computer equipment or usage is being monitored. There is no expectation of privacy in the use of computer equipment owned, leased or operated by the County.

4.12 Computer Monitoring: IT bears responsibility for the proper functioning of the County’s computer equipment and related systems. It is, therefore, authorized to remove any offensive, inappropriate or extraneous information from the County’s computer server or from individual computers without notice to, or permission from, the person who placed it on the server or computer.

4.13 Monitoring of E-Mail: E-mail is an important asset and critical component of Webb County’s communication system. The e-mail system is provided by the County for employees to facilitate their performance of office work, and the contents are the property of Webb County. Although Webb County does not routinely monitor e-mail, it reserves the right to view, retrieve, retain, and/or delete any e-mails, instant messages, or other such communications.

4.14 Efficient Usage: Efficient use of the e-mail system requires that messages be concise and directed to individuals with an interest or need to know. General notices relevant to Webb County business may be sent to such individuals or work groups.

4.15 Personal Use: Usage of email, instant messaging, internet or other such communication for personal purposes shall be of an extremely limited nature consistent with the “Purpose of Policy” as set forth hereinabove, the work that employee must perform during the course of the day, and break times allowed to employees. Employees are specifically prohibited from mass mailing of messages for personal gain (e.g. “for sale,” “for rent,” “looking to buy,” etc.), chain letters, jokes or other such “junk mail.” Employees are prohibited from downloading music, video, or any other content not directly related to county business. Employees are prohibited from listening to Internet Radio. Employees are prohibited from conducting transactions on auction websites such as E-Bay or from posting messages on online

bulletin boards. Employees shall not engage in any conduct with the equipment that would encourage or invite the receipt of advertising or other such messages, mass e-mails, or pop-up ads. As with other usage of County computer equipment, personal e-mails, instant messaging, internet and other such communications may be monitored, reviewed and retained by the County. Employees should assume that such activities are being monitored and should not consider them to be private.

4.16 Misuse of E-Mail or the Internet: Misuse of e-mail or the internet can result in disciplinary action against the offending employee up to and including termination of employment. Such misuses include, but are not limited to, the following:

- Transmission of obscene, profane or offensive material over any County communication system, including computer equipment.
- Downloading, viewing, creating, or transmitting erotic or pornographic materials.
- Downloading music, video, or any other content that is not directly related to County business.
- Playing games, paying bills, on-line banking, or on-line shopping that is not directly related to County business.
- Listening to radio stations via the internet.
- Creating or transmitting messages, jokes, or other communications that violate applicable anti-harassment policies or that create an intimidating or hostile work environment.
- Use of County equipment to set up or conduct any type of business or to participate in chain letters.
- Transmission of any confidential information to unauthorized sources as prohibited by the Texas Public Information Act or other State or Federal laws or regulations.
- Use of equipment in a manner that violates copyright or trademark laws or regulations.
- Unauthorized use of another person's password or accessing a mailbox or any other records without appropriate authorization.

- Broadcasting unsolicited personal views on social, political, religious or other non-business related matters.
- Solicitation to buy or sell goods.

4.17 Non-Authorized Use is Prohibited: Use of County-owned computer equipment is limited to Webb County employees, IT, authorized vendors, or other users duly authorized by the County.

No computer configurations or software installations should be performed by anyone without the recommendation of IT.

4.18 Security: Employees and authorized users are responsible for maintaining the security of their computers, accounts and passwords. They must take precautions to prevent unauthorized access to their mailbox and other information by logging off or locking the computer when their PC's or terminals are unattended. Care must also be exercised to prevent disclosure of passwords to anyone other than County Administration, IT, and persons authorized to service the computer equipment. Due care must be taken to protect the confidentiality and security of county records and other information not to be disclosed pursuant to the Texas Public Information Act. All passwords required to access computer systems, programs, e-mail or files must be registered with an employee's Department Head.

4.19 Enforcement: IT has the authority to implement any restrictions and/or configurations necessary to enforce or prevent any violation of this policy. In addition, IT has the authority to delete any data or to uninstall any software that violates this policy or that adversely affects the County's computer system. Although it is expected that each County department will ensure that this Computer Policy is followed, IT is authorized to limit or terminate computer services to any employee or department that violates any provision of this policy.

4.20 Violation of Computer Policy: All employees are required to familiarize themselves with the contents of this policy. Violations will not be tolerated and will be grounds for disciplinary action up to and including termination of employment depending upon the circumstances of the offense and the effect on Webb County or its employees. Any questions regarding this policy should be directed to the IT Director.

4.21 Social Media: Webb County uses social media sites to better inform, interact with and engage our citizens while improving transparency. Social media sites help alert citizens to County activities, initiatives, services and programs. The County can be found on social media websites such as Facebook

and Twitter. County employees are prohibited from using county email addresses to register on social networks, blogs, or other online tools utilized for personal use. The county monitors its computers to ensure compliance with this restriction.

4.22 Social Media Practices: Information posted to any Webb County social media site must be approved through the same channels as those used for content approval on the County's main website and must be consistent with the mission of Webb County government. All content must be accurate and factual. If erroneous information is inadvertently disseminated, it should be corrected as quickly as possible. The following forms of content will not be allowed on County social media sites:

- Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, physical or mental disability or sexual orientation;
- Sexual content or links to sexual content;
- Profane language or content;
- Commercial solicitations, excepting County-sponsored, -supported and aligned activities and events;
- Gratuitous links to websites viewed as spam;
- Conduct or encouragement of illegal activity;
- Posting to social information that does not pertain to County business during working hours;
- Information that may tend to compromise the safety or security of the public or public systems; and
- Content that violates a legal ownership interest.

4.23 Posting during Working Hours: Posting social media information that does not pertain to County business during working hours is prohibited.

4.24 Use of Cell Phone: Webb County expects employees to use their personal cell phones prudently by limiting their use during working hours. Webb County prohibits:

- Playing games on cell phone during working hours
- Posting in social media information that does not pertain to County business during working hours

- The use of cell phones for any reason while operating a company vehicle or equipment
- The use of cell phone's camera or microphone to record confidential information
- The use of a cellular phone while at any work site during which the use of a cellular phone will distract the user and/or create an unsafe work environment

V. EMPLOYMENT STANDARDS AND PRACTICES

5.01 Sexual Harassment: Webb County strictly prohibits any conduct which constitutes sexual harassment which is a form of sex discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, sexually motivated physical, verbal, or nonverbal conduct, and any other conduct or communication of a sexual nature (including sexually explicit language, jokes, etc.) when:

1. The employee must submit to the offensive conduct as an explicit or implicit condition of employment;
2. The employee rejects advance and risks losing a job, promotion, privileges, or benefits; whereas, the employee who submits gains favors and advantages;
3. The employee's job performance is interfered with as a result of the offensive behavior, or the work atmosphere becomes hostile or intimidating; or
4. A hostile work environment is created for the victim of the sexual harassment.

5.02 Responsibility: It is the responsibility of Webb County management and staff to create an atmosphere free of sexual harassment. It is the responsibility of each employee to respect the rights of fellow employees. For purposes of interpretation and application of this policy, the following forms of sexual harassment are set forth:

1. overt physical: the employee is subjected to actual touching or objectionable conduct.

2. overt non-physical: the employee is approached with the suggestion of sexual relations, along with stated or suggested adverse job consequences that would result from rejection of the advances.
3. subtle: the employee is approached in a subtler manner, with the suggestion that "friendly" employees will have more opportunities for advancement.

Examples of sexual harassment may include sexual advances; touching intimate body part; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; and other sexually motivated conduct, contact, or communication, including electronic communication.

5.03 Reporting: An employee who believes he or she is a victim of sexual harassment or believes another employee has experienced sexual harassment on the job must immediately report the matter to his or her immediate supervisor or Department Head and to the Human Resources Director. Webb County has the duty to promptly investigate the allegation in a fair and unbiased manner. Immediate steps shall be taken to ensure that the victim is not exposed to further harassment. If the investigation reveals that sexual harassment has occurred, Webb County will take remedial measures to protect the victim in the long term and shall impose appropriate disciplinary action against the perpetrator up to, and including, termination of employment.-This information would be confidential.

5.04 Romantic/Sexual Relationships: The purpose of this is to establish a policy to prevent a conflict of interest of adverse impact on supervision, productivity, safety or security when supervisors, managers, and co-workers engage in romantic/sexual relationships. Supervisory staff shall be held accountable for issues affecting the workplace which stem from these types of relationships.

1. Supervisory staff

All elected officials, department heads, managers, and supervisors in the county are expected to conduct themselves in a professional manner reflective of the county's basic principles and organizational values. When a manager or supervisor has a romantic and/or sexual relationship with an employee over whom that supervisor or manager has the authority to influence salary, promotions, merit pay, assignments, overtime, developmental opportunities (training, conferences, etc.) or disciplinary matters, this type of relationship may negatively impact County operations. This impact may include, but is not limited to:

- a) charges of sexual harassment.

- b) overt or covert favoritism or perceptions of favoritism that adversely affect the morale and productivity of the work unit, and/or
- c) creating an environment where the supervisor can lose the respect and credibility of subordinates, thus reducing the supervisor's effectiveness.

2. Co-workers

- a) Romantic/sexual relationships between co-workers, if not handled appropriately, can be divisive and cause friction in the workplace.
- b) When a romantic and/or sexual relationship between co-workers creates an adverse effect on productivity, safety, security, or involves an identifiable conflict of interest that may detrimentally impact County business operations, the elected official or department head has the responsibility to correct the adverse effects. This may include transferring one or both parties to different departments.

5.05 Physical Standards: Webb County is committed to equal employment opportunity and will reasonably accommodate job applicants and employees with disabilities. All Webb County employees are expected to be able to perform their job duties as required by their job description. Employees whose positions pose some special risk of injury or public safety risk are required to have a post-offer physical examination. This requirement will be specified in the employee's job description. Examples of these positions include but are not limited to the following positions: deputy sheriff, heavy equipment operators, and positions with lifting or driving requirements. The post-offer physical examinations will be conducted by a physician of the County's choice and at the County's expense. Where it is deemed necessary, and in the best interest of the County, a Department Head may require a current employee to take a physical examination to determine if the employee meets the physical requirements of the job.

5.06 Employee Responsibilities and Personal Conduct: Webb County is a public tax-supported organization. Employees must adhere to high standards of public service that emphasize professionalism, courtesy, and avoidance of even the appearance of illegal or unethical conduct. Employees are expected to carry out efficiently the work items assigned as their responsibility, to maintain good relationships with the public, with other governmental employees and officials, with their supervisors, and with fellow

employees. Employees are to be punctual in maintaining work hours, keeping appointments and meeting schedules for completion of work. Regular attendance is important to the overall operation of the department. If for any reason an employee is unable to report for work, he or she shall notify his or her supervisor or Elected Official or Department Head immediately or prior to the start of the workday. Each employee's personal appearance and conduct represents Webb County to the public and to other County employees. It is important that each employee try to make the best possible impression at all times by setting high standards in appearance and conduct.

5.07 Employee Conduct Violations: Each Elected Official or Department Head shall be responsible for maintaining a proper work environment and to enforce discipline on violations. In order to assure understanding of the seriousness of proper conduct by County employees, a list of violations follows. Possible violations are not limited to this list and committing any violation will be grounds for disciplinary action, ranging from reprimand to immediate dismissal.

Offenses related to leave:

1. Excessive absences, such as taking more time off than the paid leave specified in the Webb County Personnel Policies Manual unless that leave is permitted by federal or state law.
2. Excessive tardiness. An employee who is more than fifteen (15) minutes late is considered to be tardy. Excessive tardiness is being tardy more than four (4) times in any thirty-day period.
3. Job Abandonment. An employee who is absent from work for three (3) consecutive working days without notice and who cannot be reached by his or her immediate supervisor shall have been deemed to have voluntarily resigned from the County and shall be separated from service with County for job abandonment.
4. Leave Exhaustion. An employee who has exhausted all leave including FMLA, annual leave, sick leave and personal leave and has not reported for duty for a period of 5 consecutive days, will be cause for separation and/or termination of employment and will be considered as having voluntarily resigned as a result of job abandonment
5. Unauthorized absence – absence from duty that is not authorized or for which a request for leave has been denied.

6. Exhaustion of leave in excess of the allowable maximum period authorized by federal, state, county or local laws and rules.
7. Falsification of time sheets or payroll records.
8. Clocking in or out for another employee.
9. Arranging for someone to clock in or out for an employee.
10. Failure to provide notice of absence.

Offenses related to Job Performance:

11. Insubordination – unwillingness or refusal to follow orders of a supervisor or higher level of authority.
12. Failure to perform job duties.
13. Failure to meet productivity goals or needs of the department.
14. Poor job performance.
15. Failure to report to different duty location as required by a supervisor or department head.
16. Failing to accept a new assignment or failure to perform the duties of that assignment.
17. Dishonesty – behavior characterized by a lack of truth, honesty, or trustworthiness.
18. Conduct or actions that seriously impair the employee's job effectiveness.

Offenses related to Job Qualifications:

19. Fraud or misrepresentation regarding qualifications or references during the selection process discovered after employment. If the employee is not qualified or not suitable for the position, the Commission may direct the removal of the employee on the basis of intentional fraud or misrepresentation.
20. Failure to obtain and/or maintain any position qualifications, license or certifications required by the employee's position description.
21. Failure to satisfactorily complete, obtain or maintain the required physical and/or psychological fitness for duty tests.

Misconduct in the Workplace:

22. Violation of job safety rules or regulations.
23. Fighting or otherwise disrupting relations between employees.
24. Endangering the safety of others through negligent or willful acts including, but not limited to horseplay, misuse of County motor vehicles, etc.
25. Sabotage.
26. Physical or verbal abuse of fellow employees, supervisors, subordinates, or the public.
27. Use of foul or abusive language in the workplace.
28. Discourtesy to the public.
29. Sexual harassment.
30. Wearing revealing, distracting, or other attire inappropriate to the workplace of the employee.
31. Sexual activity in the workplace and any inappropriate displays of affection in the workplace.
32. Immoral conduct or indecency.
33. Sleeping on the job.
34. Being in possession and/or under the influence of intoxicating beverages or substances or illegal, controlled substances while on duty.
35. Violation of any statute, Civil Service Rule or Regulation, or departmental policy.
36. Violation of any duly adopted County policy such as the Policy for Drug, Alcohol, and Other Prohibited Substances; the Motor Vehicle Use Policy, and the Computer Use Policy.
37. Failure to report an on-the-job injury or illness immediately or promptly thereafter (in the event it cannot be reported immediately).
38. Knowingly creating or submitting false and/or slanderous reports and/or gossip regarding fellow employees, supervisors, subordinates, or the public.
39. Conduct which is detrimental to or has an adverse effect on the department or the County.

40. Solicitation or acceptance, directly or indirectly, of any gift, favor, entertainment, loan or other thing which has monetary value in exchange for some action or forbearance by the employee in the employee's official duties for the County.
41. Accepting gifts from contractors, vendors or other persons who are employed by persons/entities who are dealing with or attempting to deal with the County. This rule does not apply to promotional or other items of little pecuniary value.
42. Theft or inappropriate removal or possession of County property.
43. Misusing or allowing the misuse of County property, directly or indirectly.
44. Use of County property, time, equipment, material or supplies for personal gain, for political purposes, or for other activities not related to County business.
45. Release of confidential information or misuse of information obtained through employment with the County.
46. Allowing the use of a County vehicle or other property by a non-County employee except in cases of emergency or for repairs.
47. Gambling or betting while on County time.
48. Forcing or coercing co-workers or subordinates to donate to an office fund or to a collection.

Conduct that Affects the County

49. Outside employment that conflicts with the employee's County employment.
50. Failure to notify the department head of any outside employment.
51. Performing outside employment on County time.
52. Use of County sick leave to allow the employee to engage in outside employment.
53. Receipt of additional compensation from any source other than the County for work performed for the County.
54. Having any financial interest that would conflict with or influence the performance of duties for the County.
55. Any activity that would give the appearance of impropriety to the manner in which County business is conducted.
56. Conviction of a crime of moral turpitude as described in these rules. A crime of "moral turpitude" is one that involves dishonesty, fraud, deceit, misrepresentation,

- deliberate violence, or that reflects adversely on a person's honesty, trustworthiness, or fitness to act as a County employee.
57. Conviction of any felony or a Class A or B misdemeanor that reasonably could be expected to call the employee's trustworthiness into question.
58. Violating any rules of professional conduct applicable to a particular employee.

VI. WORKPLACE REGULATIONS

6.01 Administrative Workweek: The normal work schedule for County employees is from 8:00 a.m. to 5:00 p.m. Monday through Friday, with a one (1) hour unpaid lunch break, for a total of forty (40) hours per week. Law enforcement personnel, fire personnel, EMS personnel, and certain employees of the Juvenile Probation Department may have different schedules in accordance with the needs of their respective departments. Other departments may require their employees to work varying schedules depending upon the needs of those departments.

6.02 Recording Work Time: All Webb County hourly employees shall now be required to electronically register their work attendance on a daily basis, utilizing the electronic register closest to their work station. Employees must report punctually for duty at their place of work; work their established schedule as determined by their department; take a one-hour unpaid meal break; and, at the discretion of the Elected Official or Department Head, take no more than two fifteen-minute paid rest breaks, one in the morning and one in the afternoon. Time clocks will use a rounding system based upon fifteen-minute increments such that an employee who clocks in no later than 8 minutes past the beginning of the quarter hour will be deemed to have worked that quarter hour. An employee who clocks in more than 8 minutes past the quarter hour will not be credited with working that quarter hour. Based upon the staffing and other needs of the department, a Department Head or Supervisor has the right to set the times for employees' meals and rest breaks.

6.03 Schedule Adjustments: Adjustments to the regular hours of operation may be made by a Department Head in order to better serve the public or to meet requirements for continuous services related to the protection of public health and safety or at the direction of the Department Head to meet the needs of the County. JJAEP employees shall work the schedule established by JJAEP and according to the academic calendar adopted by the Juvenile Board. Offices may remain open during the noon hour, and

lunch periods may be staggered according to the requirements of the office and the decisions of the Department Head.

6.04 Official Closings: County offices may be closed at any time during the regular work week only by order of the Commissioners Court or the County Judge for reasons such as bad weather or other extenuating circumstances. Work time lost by employees due to official closings of county offices will not be charged to paid leave, unless the employee was already on some other type of leave, e.g., annual, sick leave, etc., in which case that particular leave status remains in effect.

6.05 Hours Worked: Department Heads must submit the number of hours worked by all employees of the department for the compensation to be received through the system of record herein, Time Clock Plus Bio-Metric Systems, subject to laws governing working hours and subject to the provisions of the County budget and approved salary schedules.

6.06 Overtime and Compensatory Time: Webb County employees who are non-exempt from the provisions of the Fair Labor Standards Act (commonly known as “hourly paid” employees) will earn compensatory time for overtime hours worked. For purposes of computing overtime and/or compensatory time, time away from the job during the work week, such as annual leave, holidays, sick leave, personal days, and other absences, will not be included in a work week.

6.07 Accrual of Compensatory Time: Accrual of excessive compensatory time is discouraged however County Regulation state that compensatory time shall not exceed 120 hours.

6.08 Use of Compensatory Time: Accruals of compensatory time must be used before any other accruals. An employee may request the use of compensatory time in the same manner as annual leave. Additionally, an elected official or department head has the authority to direct an employee to use compensatory time in accordance with the needs of the department and as a means of managing leave balances and/or department’s budget.

6.09 Lateral Transfers: Lateral transfers are movements of an employee between positions at the same or roughly comparable pay rate. Lateral transfers may be made within the same department and are to be made in accordance with the hiring procedures set forth in the Civil Service Rules and Regulations. The lateral transfer of an employee between departments of the County must be approved by the Department Head or Elected Official of the receiving department and, for a civil service position, is subject to the provisions of the Civil Service Rules and Regulations relating to Promotions, Demotions, and Lateral

Transfers and to Internal Posting Procedures. Transfer of leave balances and compensatory time shall be handled in the same manner as Transfer Employees as discussed in § 6.18 of this manual.

6.10 Demotion: is the movement of an employee from a higher pay grade to a lower pay grade.

- **Involuntary Demotion:** this occurs when an employee is transferred to a position at a lower pay grade from his/her current position due to disciplinary action. In the case of a lower pay grade not being available, the Elected Official or Department Head may revert the employees' slot/pay to any letter step lower (to the left on the scale) as they may see fit.
- **Voluntary Demotion:** this occurs when an employee voluntary accepts a position at a lower pay grade from his/her current positions. The Elected Official or Department Head will place the employee in the new lower grade at the same letter step as the old position.

Example for Voluntary Demotion:

Current Grade and Step: 16/T - from \$48,625.66 - \$23.38

Demotion Grade: 12/ T – to \$ 39,909.34 - \$19.19

6.11 Resignations: An employee who desires to leave the County in good standing must file with the hiring authority a written resignation giving at least two weeks' notice of his/her intention to leave, unless for good cause; the hiring authority consents to the employee leaving sooner. A copy of the written resignation letter must be provided to the HR Department. Employees who leave without following these procedures will have that fact noted in their employment record.

6.12 Calculation of Separation Pay: Upon separation from County employment, employees will be paid for all earned and unused annual leave up to a maximum of 176 hours. Both annual leave and compensatory time will be paid at the current rate of pay at the time of the separation. Payment for up to the above said maximum allowed annual leave and compensatory time will be included in the employee's final paycheck. There is no payment for unused sick leave or personal days. The vacancy created by a separation of employment may be filled as long as money is available in the budget to complete the fiscal year or upon allocation of funds by the Commissioners Court for such purpose. Any and all new hires and rehires shall not be eligible to start until payout balance from previous employee who held said position is cleared by HR Department.

6.13 Transfers Non-Wage Plan to Wage Plan: An employee who transfers from a non-wage plan to the wage plan shall be placed at entry as per Section 3.02, on the Corresponding Grade as per Webb County Wage and Pay Scale Plan and subject to Policy mandates of any probationary period.

6.14 Non-Exempt / Non-Bargaining Unit Personnel: Employees who are non-exempt under the Fair Labor Standards Act (commonly referred to as “hourly paid” employees) may receive compensatory time in lieu of overtime for time worked in excess of forty hours in a workweek, which runs from Friday to the following Thursday. Compensatory time calculated at one and one-half (1-1/2) times the hours worked in excess of forty hours. Employees may receive a cash payment for compensatory time only if there is a line item for that purpose in the department’s budget and the County Auditor certifies that funds are available and the Elected Official or Department Head approves such request. When a grant allows overtime pay for hourly paid employees, the County will allow the overtime payment subject to the Grant’s provisions.

6.15 Bargaining Unit Personnel: Compensatory time for Bargaining Unit Personnel shall be determined by the provisions of their collective bargaining agreement.

6.16 Overtime Pay for First Responders: Exemptions under the FLSA rules specifically 13(a)(1) as defined by regulation, 29 CFR Part 541 regarding exemptions from the minimum wage and overtime requirements do not apply to first responders as defined under the Department of Labor/ Wage and hour division regardless of rank or pay. However, for workweeks when exempt employees (commonly referred to as “salaried” employees) fall under the definition of “first responders”, they will be required to submit a time sheet to their respective department for approval. The County will only permit employees qualified as “first responders” to earn overtime pay but only from grant funds and only when grant funds are available.

6.17 Change of Classification: A classification change may be recommended by the elected official/department head but the change will not be official until it is certified as to correctness by the head of Human Resources. Compensatory time accrued prior to the official classification change must be taken in the same manner as annual leave but may be paid at the rate of pay for the non-exempt position but only when and only if it is approved by Commissioners Court.

6.18 Transfer Employees: An employee who is transferred from one department to another will be allowed to transfer his or accrued annual leave, sick leave, and personal days only if the new Department

Head is in agreement. If there is no such agreement, the employee must use all accumulated compensatory time, accrued leave and personal days prior to the transfer, but the employee's sick leave will be transferred with him/her to the new department. The foregoing shall be a condition of the employee's transfer. Compensatory time is non-transferable and must be used before transfer occurs.

6.19 Transfer Probationary Period: An employee who is promoted during the probationary period is continued on probation for the remainder of the six (6) month period. The probationary period is not restarted by virtue of the promotion.

6.20 Transfer of Grant Employees to Non – Grant Funded Positions: No accruals can be transferred from a grant funded position. All accruals must be paid by the fund grant.

6.21 Transfer of Employee from Hourly to Salary Position: Hourly employees transferring to a salaried position, shall have compensatory time paid out prior to transfer. Sick leave is retained except when elected.

6.22 Fire Department: Overtime for Fire Department hourly first responder employees will be calculated based on the maximum number of hours physically worked for the declared work period. Webb County has declared a 14-day work period under the 207(K) provision of the Fair Labor Standards Act for Webb County Fire Department hourly employees who physically work scheduled 12-hour shifts. Under this exemption, hours physically worked over 106 in the 14-day work period by Fire Department first responder hourly employees will be considered overtime and will be paid at one and one-half times the regular rate. 29 U.S.C § 207(k) Fire fighters who work "platoon schedules" will be classified by their employers as "7(k) eligible" and compensated accordingly. The special work periods and overtime rules are available only for employees who meet the statutory definition of "employees in fire protection activities" which is contained at 29 USA §203(y).

6.23 Definition Fire Protection Employee: This means an employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who:

1. is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression, and is employed by a fire department of a municipality, county, fire district, or State, and

2. is engaged in the prevention, control, and extinguishment of fires or response to emergency medical situations where life, property, or the environment is at risk.

Thus, to qualify for §7(k) pay as a fire protection employee under this statutory definition, an employee must (a) work for a (government) fire department, (b) be trained in fire suppression, (c) have the legal authority to fight fires, (d) have the responsibility to fight fires, (e) and either actually engage in fire suppression work of the type defined or non-fire related emergency responses.

Employees who may be members of the Fire Department and perform support activities, such as dispatchers, radio operators, repair workers, clerks or janitors do not qualify for the 207 (K) exemption.

6.24 Trading Shifts: Non Exempt Fire Fighters (First Responders) may trade or substitute tours of duty without being subject to overtime compensation by virtue of the voluntary trading of time by such. (29 CFR 553.31, section 7(p) 3.) The following criteria must be met in order to there to be no effect on hours worked for the County Fire Department:

1. Substitution or trading time is done voluntary by both employees involved.
The substitution of trading is approved by the Fire Chief beforehand. The employee's decision to substitute of each other should be made without any coercion by the County Fire Department: and the employee should be able to refuse such substitution without explanation.
2. The County Fire Department may suggest that an employee substitute or "trade time" with another employee working in the same capacity during the regularly scheduled hours, but each employee must be free to refuse to perform such work without sanction and without being required to explain for justify the decision.
3. The hours worked shall be excluded by the County in the calculation of the hours for which the substituting employee would otherwise entitled to overtime compensation.

4. There is no provision in (29 CFR 553.31 section 7(p) (3)) that requires on individual to "repay" the other individual who agrees to a work substitution agreement. This is a matter for the parties to resolve.
5. The approval requirement is satisfied when the employer is aware of the substitution and indicates approval in whatever manner is customary. (29 CFR § 553.31Section 7(p)(3).

VII. SUMMARY OF EMPLOYEE BENEFITS

7.01 Eligibility: For purposes of health care coverage, **“Full- Time”** means 30 hours **or more** per week. An Employee’s **Full-Time** status, including calculating the number of hours worked, will be made in accordance with regulations issued by the federal government under the Affordable Care Act. **All Full-time “New Hire” employees will be provided, subject to available appropriations by the Webb County Commissioners Court,** a twenty thousand (\$20,000.00) dollar Basic Life insurance policy after their 90 day probationary period **calculated** from their date of hire. New Hire employees will also be given the opportunity of enrolling in the County’s group health & dental insurance plan. All ancillary products including voluntary term life, AD &D, disability, cancer, heart & stroke, and additional voluntary insurance policies, will become effective on the first of the month following the 90 days probationary period.

Qualifying Events (QLE): Life changes for active employees will include the opportunity to add or change coverage for themselves or additional family members (dependents). The following QLEs will allow the employee to add and/or drop self, spouse and or child(ren) to their coverage within the first 30 days of the event. If the employee fails to notify Risk Management of a QLE within the 30 days, changes to their health coverage will be forfeited until the County’s Open Enrollment date: to become effective on the first day of the following calendar year. ***(Open Enrollment – is a set period of time that occurs once a year when an employee can enroll, change, or cancel their or eligible dependent’s benefits including any available ancillary products.)***

- Marriage (license copy required)
- Children (birth (crib card required/age 26) (Crib card is a small card that the hospital places on the infants crib with vital information on the parents and the baby(ies))
- Loss or gain of insurance coverage (document required)
- Divorce (court documents required)
- Court ordered health and dental benefits for dependent(s)
- Death

Online New Hire: The New Hire process starts two (2) weeks before the 90 day waiting period for all new and rehired employees. Employees will be instructed to log on to an employee based web site to enroll in all their benefits with an option to enroll their dependents (*see list of qualifying dependents below*), and their health and dental benefit will begin 90 days after their hire date. All ancillary benefits elected will begin on the first of the month following the 90-day probation period. Each employee is given approximately two (2) weeks to complete their online enrollment; failure to comply will result in forfeiting their benefits for the remaining calendar year.

Qualifying Dependents:

- Spouse (copy of marriage license required)
- Common Law (copy of certificate required)
- Children, step children, adopted children up to the age of 26
- Disable children who qualify over the age of 26 with required documentation

Online Annual Open Enrollment: Open Enrollment is scheduled once a year to allow employees the opportunity to sign up for health, dental and any ancillary products that are available at the time of enrollment for the employee and/or their dependents. If an employee fails to participate in the open enrollment process, they will have to wait until the next scheduled enrollment period to make any changes. The current plan does NOT allow for an **automatic roll-over** of benefits to the following calendar year. **As a result, if an employee fails to complete their enrollment, he/she will not have any benefits for an entire calendar year** through Webb County.

7.02 JJAEP Employees: Exempt JJAEP employees shall be provided with insurance coverage on the same terms as regular, full-time employees and such insurance coverage will continue through their summer lay-off, if any, and until any such employee resigns, retires, is fired, or his or her employment is otherwise terminated. Upon termination of Webb County employment, employees currently receiving group insurance may be eligible for continuation of group insurance for a period of time, at their expense, pursuant to Federal law.

7.03 Continuation of Group Health Insurance: The Federal Consolidated Omnibus Reconciliation Act (COBRA) provides individuals with the option of continuing group health and dental insurance coverage for both the employee and covered dependents, under specified conditions and at the individual's full expense, at such times when the insurance would otherwise terminate. Those events include the death of a covered employee, termination or reduction in the hours of a covered employee's employment for reasons other than gross misconduct, divorce or legal separation from a covered employee, a covered employee's becoming entitled to Medicare, and a child's loss of dependent status (and therefore coverage) under the plan.

7.04 Qualifying Events: Qualifying events are events that cause an individual to lose his or her group health coverage. The type of qualifying event determines who the qualified beneficiaries are for that event and the period of time that a plan must offer continuation coverage. COBRA establishes only the minimum requirements for continuation coverage. A plan may always choose to provide longer periods of continuation coverage. The following are qualifying events for a covered employee which may cause the covered employee to lose coverage:

1. Termination of the employee's employment for any reason other than "gross misconduct", or reduction in the number of hours of employee's employment.
2. Extended leave without pay.
3. The divorce or legal separation of the covered employee from the employee's spouse.
4. The employee becoming entitled to benefits under Medicare.
5. An employee's dependent child ceasing to be a dependent child under the generally applicable requirements of the group health plan.

7.05 Cobra Qualifying Event Notices: Before a group health plan must offer continuation coverage, a qualifying event must occur, and the group health plan must be notified of the qualifying event. Who must give notice of the qualifying event depends on the type of qualifying event. The employer must notify the plan if the qualifying event is:

- Termination or reduction in hours of employment of the covered employee;
- Death of the covered employee;
- A covered employee becoming entitled to Medicare; or
- Bankruptcy of a private-sector employer.

The employer must notify the plan within 30 days of the event. You (the covered employee or one of the qualified beneficiaries) must notify the plan if the qualifying event is:

- Divorce;
- Legal separation; or
- A child's loss of dependent status under the plan.

7.06 Social Security and Medicare: All employees of Webb County are subject to withholding of income for Social Security and Medicare as required by federal law.

7.07 Retirement Plan: Webb County participates in the Texas County and District Retirement System ("TCDRS"). Mandatory participation in the Retirement Plan is required by State law for all full-time and part-time County employees except for temporary employees. Participation in the plan includes the County withholding a percentage of the employee's gross wages and the County making additional deposits on the employee's behalf. Employees are encouraged to study the TCDRS website (TCDRS.org) for more information.

7.08 Retired Rehire: Retirees/former employees may be eligible for rehire by the County and may continue to receive retirement benefits if certain conditions are met. Although TCDRS requires a bone fide break of one full month, the Court requires a separation from County employment of (2) two years.

7.09 Employee Retirement Guidelines: An employee who retires/separates from employment with Webb County and meets the requirements of the TCDRS plan may receive retirement benefits from the plan.

I. Eligibility

Current employees who meet one of the following criteria are eligible to participate in this retirement employee benefit program:

- Must not have already retired from Webb County, employment nor have already been enrolled or received benefits under this plan; or
- Must be covered as an active employee under the County's employee benefit plan at the time of retirement.

The employee must meet one of the following additional criteria:

- Age 60 and 8 years of Webb County employment, or
- Any age and twenty (20) years of employment with Webb County, or
- Service time plus age equals 75.

7.10 Workers' Compensation: All Webb County employees, Department Heads, and Elected Officials are covered under a workers' compensation policy. The purpose of the insurance is to provide all benefits (e.g., medical costs and lost wage benefits) afforded under the Texas Worker's Compensation Law to any County employee injured on the job who is protected by such law.

7.11 Unemployment Insurance: Webb County subscribes to the Texas Unemployment Compensation Insurance Program.

VIII. LEAVE, ABSENCES, AND HOLIDAYS

8.01 Definitions: The following terms apply to this Chapter:

- Leave: is time during regular working hours in which an employee does not engage in the performance of job duties. Leave time may be either paid or unpaid.
- Holidays: are days designated by the Commissioners Court for County offices to be closed on what would otherwise be regular business days.
- Unauthorized Absence: An unauthorized absence is one in which the employee is absent from regular duty without permission of the supervisor, appropriate Elected

Official or Department Head. Employees are not paid for unauthorized absences, and cannot use accruals to compensate for that absence.

- Full Month: for purposes of accruals only, means any month where not more than four (4) hours of leave were taken without pay within that calendar month.

8.02 Approval of Leave: All leave taken by County employees must be requested by the employee and approved by the employee's Department Head or Elected Official through the County's Time and Attendance system. The Department Head or Elected Official is responsible for determining that employees are eligible for leave and have adequate leave time to permit the time off as requested by the employee. If an employee fails to timely submit an appropriate leave request as required by the policies in this manual, the department may make deductions from the employee's available leave balances.

8.03 Annual Leave: Employees begin to earn annual leave on the last day of the first full calendar month of employment and thereafter on the last day of each subsequent full calendar month of employment. A full month means any month where not more than four (4) hours of leave were taken without pay within that calendar month. This means that employees do not earn annual leave until the last day of each full month of employment. Annual leave is awarded according to the following schedule:

Years of Service	Hours earned monthly	Working days earned annually
1 to 4 years	8 hours	12 working days
5 to 9 years	9 hours	13.5 working days
10 to 14 years	10 hours	15 working days
15 to 19 years	11 hours	16.5 working days
20 to 24 years	12 hours	18 working days
25 to 29 years	13 hours	19.5 working days
30 years and over	14 hours	21 working days

8.04 Calculation of Annual Leave: The amount of annual leave to which a full-time employee is entitled is calculated by determining the number of years of continuous, uninterrupted service with the County that the employee has as of his/her anniversary date. For purposes of this paragraph, separation from county employment for less than 90 days will not affect length of service with the County.

8.05 Eligibility of Annual Leave: Part-time employees and temporary employees are not eligible for annual leave benefits.

8.06 Carry over Max: The maximum amount of annual leave that an employee may carry over from one fiscal year to the next is twenty-two (22) days or 176 hours. Any accrued annual leave remaining on the last day of the fiscal year in excess of this limit will be forfeited.

8.07 Transfer of Leave: An employee who is transferred from one department to another will be allowed to transfer his or her accrued annual leave, sick leave and personal days only if the new department is in agreement. If there is no such agreement, the employee must use all accumulated compensatory time, accrued annual leave and personal days prior to the transfer. The foregoing requirement shall be a condition of the employee's transfer.

8.08 Request for Annual Leave: Annual leave requests should be initiated by the employee not the department head/elected official. The elected official or department head may have the discretion to deny said request under extenuating circumstances. The request could be denied if too many people are asking for the same days within a department, which would disrupt the operations of that department. Seniority or a valid reason like an upcoming medical procedure may be used as a basis for resolving any conflicts.

8.09 Collective Bargaining Agreement for Deputy Sheriff's for Annual Leave: Bargaining Unit Members will continue to accrue vacation time in accordance with the current County Policy. However, officers will be allowed to carry over two hundred (200) hours of vacation time into the next fiscal year. Upon separation of employment, excluding the retirement provision of this agreement, the County shall pay out the officer at his regular rate, for up to 176 hours; of vacation time.

8.10 Personal Days: An employee, upon completion of six (6) months or the probationary period, shall receive one personal day on the first day of each quarter of the fiscal year, i.e. October 1, January 1, April 1, and July 1. An employee must not have taken more than four (4) hours of leave without pay within each calendar month in the prior quarter. Personal days must be used in the quarter that they were earned. Personal days continue to be forfeited if they are not used by the end of the quarter in which they were earned. Personal days can only be taken in increments of a full day. For example, an employee cannot use half of a personal day and use the other half at another time.

8.11 Sick Leave: Sick leave is a privilege earned by regular full-time employees and as such, is not to be abused. Sick leave shall be unpaid unless the employee meets all the conditions of this section. If the conditions of this section are met, an appropriate deduction will be made from the employee's sick leave balance. Regular full-time employees accrue sick leave at the rate of eight hours per month worked. Sick

leave is earned only by regular full-time employees. Employees begin to earn sick leave on the last day of the first full calendar month of employment and thereafter earn sick leave on the last day of each full month of employment. A full month means any month where not more than four (4) hours of leave were taken without pay within that calendar month. Earned sick leave may be utilized by employees who are absent from work due to any of the following:

- Personal illness or physical or mental incapacity;
- Illness or physical or mental incapacity of member of the immediate family as defined by FMLA (child, spouse and parents);
- Medical, dental, or optical examinations or treatments;
- Medical care related to the birth of a child; or
- Medical quarantine resulting from exposure to a contagious disease.

8.12 Medical Statement: The Department Head or Elected Official may request the employee to provide a physician's written verification when sick leave benefits are requested for a period of more than two days. The verification must be signed by a physician licensed to practice medicine in the United States or any Foreign Country. The Department Head or Elected Official has the discretion to waive the requirement of a physician's written verification.

8.13 Notification: To receive paid sick leave, an employee shall communicate with his/her immediate supervisor, Department Head, or Elected Official no later than one hour after the time set for beginning work on a daily basis, except in cases where the employee is physically unable to communicate. A request for use of sick leave shall be entered into the Time and Attendance system upon the employee's return to work. When the use of sick leave is anticipated, such as for a medical appointment, the request for leave shall be submitted as far in advance as possible.

8.14 Accumulation of Sick Leave: Sick leave not used during the year in which it accrues, accumulates and is available for use in succeeding years. No advance of unearned sick leave benefits will be made.

8.15 Cancellation upon Termination: Unused sick leave is canceled upon termination of employment without compensation to the employee.

8.16 Abuse of Sick Leave: The Department Head or Elected Official may also require proof of illness in cases where the employee has compiled a poor attendance record or has exhibited a pattern of absences.

Any abuse of sick leave is cause for disciplinary action against the employee up to and including termination of employment.

8.17 Military Leave: Regular full-time employees of the County who are members of the State Military Forces or members of any of the Reserve Components of the Armed Forces of the United States are entitled to leave of absence from their duties, without loss of time or efficiency rating or annual leave or salary, on all days during which they are engaged in authorized training or duty ordered by proper authority, for a period not to exceed fifteen (15) days in any one calendar year. Requests for approval for military leave must have copies of the relevant military orders attached. Military training leave in excess of fifteen (15) days will be charged to annual leave or leave without pay.

8.18 Restore to Employment: Regular employees of the County who enter active duty with the State Military Forces or with the Armed Forces of the United States are entitled to be restored to employment subject to the provisions of the law upon honorable release from active duty.

8.19 Continuance of Wages: In addition to the foregoing and as permitted by Chapter 173 of the Texas Local Government Code, Webb County will continue to pay the normal wages of a Webb County employee who is a member of a reserve component of the armed forces of the United States, including any appropriate part of the state military forces, and who by virtue of that membership is called to active duty in the armed forces of the United States by federal authority without the person's consent as part of a partial or total mobilization of the reserve components of the armed forces. The County will not continue to pay the wages of any such employee who ceases to be employed by Webb County because he or she resigns or is terminated for a reason that is not a direct consequence of the person's call to active duty. Nor will the County continue to pay the wages of any such employee who commits a voluntary act that extends the person's original assigned service to active duty.

8.20 Health Insurance upon Military Leave: Employees receiving wage continuation do not receive any employment benefits, although health insurance may continue at the employee's expense. The employee is responsible for making necessary arrangements and payments as established by the Risk Management Department. Requests for wage continuation must have copies of the relevant military orders attached. The County reserves the right to periodically request verification of the employee's active-duty status. Any termination of active duty status will result in termination of wage continuation.

Because wage continuation is paid from the pay slot of the employee who is called to active service, no provision is made for the hiring of a temporary replacement.

8.21 Return from Military Leave: Upon the employee's release from active duty, he or she shall return to County employment in the same or an equivalent position, and health insurance shall be reinstated as if there had been no interruption in employment.

8.22 Citizenship Leave: Employees will be granted citizenship leave with pay for jury duty or for serving as a subpoenaed witness in an official court or administrative proceeding. Citizenship leave cannot be used by an employee who is absent from work for a personal case in which he or she is a party to the proceeding. An employee who is entitled to Citizenship Leave has the following options:

- He or she may take the day without pay and accept the jury service payment or witness fee; or
- He or she may take citizenship leave with pay and refuse the jury service fee or witness fee.

8.23 Jury Duty Documentation: The employee must provide to his/her department a copy of the jury summons or witness subpoena to verify the employee's entitlement to citizenship leave. If an employee chooses to refuse the jury service fee or witness fee, she/he must provide verification from the District Clerk that the fee has been refused or must endorse the payment check to Webb County for deposit in the County's general fund. If the employee is released from jury service or is released from a subpoena during working hours, he or she must return to work as soon as possible or must use annual leave compensatory time.

8.24 Family Medical Leave Act: Employers are required to provide notice regarding the Family and Medical Leave Act (FMLA) to its employees. Webb County calculates FMLA leave on a rolling basis year.

Eligibility Requirements:

An employee who works for a covered employer must meet the three (3) criteria below, in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and

- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

1. The birth of a child or placement of a child for adoption or foster care;
2. To bond with a child (leave must be taken within 1 year of the child's birth or placement);
3. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
4. For a serious health condition that makes the employee unable to perform the employee's job.
5. For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse.

If both spouses are employed by the County, the County shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks.

8.25 FMLA Military Additional Time: An Eligible employee who is a covered service member's spouse, child, or next of kin may also take up to 26 weeks of FMLA in a single 12-month period to care for the service member with a serious injury or illness. An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or a reduced schedule. It is Webb County's policy that the employee shall be required to use any applicable accrued leave while on FMLA leave.

8.26 Requesting FMLA Leave: Generally, employees must give 30-days advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, the employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures. Whether the employee's notice of unforeseeable leave is timely, will depend upon the facts of the particular case. Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her functions, that a family member cannot perform daily

activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

8.27 FMLA Certification: Employers can require a certification or periodic re-certification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

8.28 FMLA Notification: Your employer must notify you if you are eligible for FMLA leave within five business days of your first leave request. If the employer says that you are not eligible, it has to state at least one reason why you are not eligible (for example, you have not worked for the employer for a total of 12 months). The Supervisor/Department Head must advise Human Resources Department as soon as notification is given to them, so proper forms can be sent out.

8.29 Job Benefits and Protection: Employees are afforded the following:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan." If employee does not have accruals from which the health insurance coverage can be deducted, then the employee is responsible for contacting the Employee Benefits division of Risk Management, and making arrangements for payments.
- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrues prior to the start of an employee's leave.

8.30 Unlawful Acts by Employers: FMLA makes it unlawful for any employer to:

1. Interfere with, restrain, or deny the exercise of any right provided under FMLA;
2. Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

8.31 Enforcement: The U.S. Department of Labor is authorized to investigate and resolve complaints of violations. An eligible employee may bring a civil action against an employer for violations. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

8.32 For Additional Information: Contact the nearest office of the Wage and Hour Division, listed in most telephone directories under U.S. Government, Department of Labor.

8.33 Holidays: Prior to the start of the fiscal year, the Commissioners Court will adopt the Holiday Schedule for that year. Holidays can be changed from year to year by vote of the Commissioners Court. Holiday pay is defined as 8 hours of annual leave automatically given to "Full Time" hourly employees on each designated County holiday unless prohibited by Collective Bargaining agreement.

8.34 Holiday Compensation: Any "Full Time" hourly employee who physically works on a designated County Holiday shall be paid for all the weekly hours physically worked first and that portion of the Holiday pay hours earned shall be applied if needed to complete the 40-hour work week with the reminder of the holiday pay hours banked as annual leave.

8.35 Exception to Holiday Compensation: If an employee is on leave without pay and the holiday falls during that leave the holiday shall not be paid and will not be accrued.

8.36 JJAEP Employee Holidays: JJAEP employees are not excused from work on the holidays established by the Commissioners Court but shall take the holidays identified on the academic calendar as established by the Juvenile Board.

8.37 Holiday during Leave: Official County holidays occurring during an employee's annual leave or sick leave shall not be counted against leave use. A County employee who is paid out of a combination of State and County funds is entitled to take the above mentioned holidays only, and is not entitled to take state holidays which are not offered by the County.

8.38 Collective Bargaining Agreement for Deputy Sheriff's Association:

Definitions:

"Actual Holiday" means the day of the month that a holiday falls on. This is not necessarily the day that the County officially recognizes the holiday.

"Recognized Holiday" means the day of the month that a given holiday is recognized by Commissioners Court as the day that the holiday is to be recognized. This is not necessarily the day of the actual holiday.

Agreement:

Members of the Bargaining Unit shall be afforded the same total number of holidays as are allowed all county employees and as annually determined by the Commissioners Court. If a member of the Bargaining Unit works on a designated holiday, the member shall be paid double time for the hours worked on such holiday. For purposes of this article, bargaining unit members will accrue holiday time/pay as follows:

- A. If the members are assigned to a work schedule that is during normal business hours (8:00 A.M. to 5:00 P.M or relatively similar hours) and have a lunch break deducted from their daily workday; this provision will apply on the County-Recognized holiday.
- B. If members work shift work and do not normally have a lunch break deducted from their workday; this provision will apply on the actual holiday.
- C. Under no circumstances will any member receive both.

If the holiday falls on the employee's regular day off, as determined by the Sheriff, the employee shall receive eight (8) hours of annual leave.

The holiday is considered to be worked when an officer works any portion of their shift, starting at midnight and extending through 11:59 P.M. on the day of the holiday.

Any other holiday that is granted to County Employees by the Commissioner's Court, in addition to those listed in this article, shall also be granted to the bargaining unit.

8.39 Leave and Holiday Records: In order to receive paid leave, an employee must have leave time available as evidenced by that employee's time and attendance record.

8.40 Funeral Leave: County employees shall be granted a maximum of (3) paid leave days per occurrence following a death within his or her "immediate family," as defined below, provided that it shall be the duty of the Department Head or Elected Official to determine that the application for such leave is justified and must be taken within ten workdays prior to or after the burial.

8.41 Definition of Immediate Family: Immediate family, for the purpose of this, shall include only the following relations of the county employee or the employee's spouse: father, mother, brother, sister, husband, wife, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchildren, great grandchildren, grandparents and great grandparents including a

biological, adopted, or foster child, stepchild, legal ward or child whom the employee stands in *loco parentis*.

8.42 Leave Time for JJAEP Employees.-JJAEP employees shall be granted: ten (10) paid benefit days per academic year.

- These days may be used for any purpose, however must be approved by the JJAEP Director.
- Any benefit days not used at the end of the academic year may be carried over from one academic year to the next.
- JJAEP employees shall be allowed to take military leave, citizenship leave, and funeral leave as provided in other sections of this manual.
- The provisions of the Family and Medical Leave Act shall also apply to this category of employees.

8.43 Voluntary Deductions: In accordance with policies and general procedures approved by the Commissioners Court, and as modified with approval of Commissioners Court, approved deductions from an employee's pay may be authorized by the employee for:

1. Deferred Compensation;
2. Group Health/Medical Insurance for dependents;
3. Credit Union Deposits;
4. United Way or other charitable contributions; or
5. Supplemental policies as authorized by the Commissioners Court.

8.44 Pay Plan: Each year the Commissioners Court, under statutory budgetary procedures, decides the number of regular and temporary positions allowed to each department and the salary range of each. Requests for additional positions or changes in position salary not granted at budget time must be submitted to and approved by the Commissioners Court.

IX. HEALTH AND SAFETY

9.01 Safety Policy: It is the policy of Webb County to make every effort to provide healthful and safe working conditions for all of its employees. For further information, employees should refer to the Webb County Safety Manual and applicable state and federal laws and regulations.

9.02 Employee Responsibilities: Employees are responsible for conducting their work activities in a manner that is protective of their own health and safety, as well as that of other employees. An accident, no matter how minor, must be reported immediately to an employee's supervisor, who must complete a DWC 001 Form (Employer's First Report of Injury) and submit it to the Risk Management Department no later than a week after the accident. The employee must complete and file Form DWC 041 (Employee's Claim for Compensation) with Risk Management.

*DWC = Division of Worker's Compensation

9.03 Employee Suggestions: Employees shall report immediately to their supervisors any conditions that, in their judgment, threaten the health and safety of employees or visitors. Employees are encouraged to make suggestions to their supervisors of improvements that would make the County work place safer or more healthful.

9.04 On-the Job Injuries: The County provides Worker's Compensation insurance coverage which provides for certain benefits (e.g., medical costs and lost wage benefits) if an employee is absent from work because of a bona fide on-the-job injury for more than seven (7) days. A bona fide on-the-job injury is defined as an injury arising out of or resulting from the performance of job duties by an officer or employee of the County, which takes place during an activity which normally would be compensated by the County. A physician must certify that the employee is unable to work.

9.05 Compensation: If a County employee sustains a bona fide on-the-job injury which renders him or her unfit and unable to perform the duties of the said employee's job, then the said employee will be compensated as follows:

1. For up to seven days the County employee receives his or her regular pay for that period with time charged against accrued sick leave or other unused leave. If leave balances are insufficient to cover that period, the leave shall be without pay.

2. Since said employee is unable and unfit to perform the duties of his or her job, and thus, is not working for the County, the said employee, to the extent and for the time said employee is unfit and unable to work, will be compensated by those benefits required by law and provided by the County's insurance carrier. The said employee will not be paid any type of supplement in addition to such benefits. However, during the period of disability (i.e., the period that said employee is unfit for duty and unable to perform such duties), the employee shall receive all other employee benefits, except for salary, including insurance coverage (employee must continue making his premiums for dependent coverage). The County adheres to the Americans with Disabilities Act, which shall govern over this section in the event of conflict.
3. The employee shall receive all payments to which he or she is entitled under Texas Workers Compensation Commission regulations. Workers Compensation leave may run concurrently with FMLA leave at the option of the Department Head or Elected Official.

9.06 Medical Attention: A County employee who sustains a bona fide on-the-job injury may seek medical attention from a physician designated by the County and may later consult a health care professional of his or her choice. In the event of a medical emergency when it is impractical for the employee to be seen by a County-designated physician, he or she may be treated by any available physician. He or she may later be required to see a physician of the County's choice. If deemed necessary, the County may require the employee to submit to an examination by a physician or other health care professional of its choosing. The County requires periodic statements of medical condition, which may include completion of the Work Capacity Form and a copy of a release to return to work (from the attending physician).

9.07 Discharge: No County employee shall be discharged or otherwise discriminated against because said employee has in good faith filed a claim under the Texas Worker's Compensation Law. However, this provision in no way precludes a discharge or disciplinary action for another legitimate reason.

9.08 Reporting: The Department Head or Elected Official may require that a County employee on leave due to an on-the-job injury periodically contact a supervisor to report on his or her condition, the frequency of such reports to be determined by the Department Head.

9.09 Drug and Alcohol Abuse Policy: The Webb County Drug and Alcohol Policy, as amended from time to time, is incorporated herein by reference as if set forth in its entirety and shall have the same force and effect as the other provisions of this document. State and federal laws and regulations must also be observed. Violations of the policy, laws or regulations shall be grounds for disciplinary action as set forth therein and in this document.

9.10 County Programs and Department Responsibilities: The Human Resources Department will develop and implement a drug-free awareness program to inform all County employees about:

1. the dangers of drug abuse in the workplace;
2. the County's drug and alcohol abuse policy;
3. drug and alcohol counseling and rehabilitation programs approved by the County or that may be available through the County's group health insurance; and
4. the range of personnel actions that may be imposed on employees for violations of the County's drug and alcohol abuse policy.

9.11 Departments with Grants: Any Elected Official or Department Head whose department or office receives a grant or administers a contract financed directly by federal funds shall give a copy of the County's drug and alcohol abuse policy to each employee involved in the performance of that grant or contract. Any Elected Official or Department Head whose department or office receives a grant or administers a contract financed directly by federal funds shall notify the appropriate federal government agency responsible for those funds of any employee who is convicted of a criminal statute relating to illegal drugs for a violation occurring in the workplace no later than ten (10) days after a conviction.

9.12 Americans with Disabilities Act (ADA): It is the policy of the county to comply with all state and federal laws concerning the employment of persons with a disability. To that end, the county will not discriminate against a qualified individual with a disability in regard to recruitment, selection, discharge, assignment, training, promotion, compensation, transfer, benefits, or other terms and conditions of employment. Further, the county is committed to providing reasonable accommodations to its employees and applicants for employment in order to ensure full access to equal employment opportunities. The Human Resources Department is responsible for the implementation of this policy including the resolution of reasonable accommodation, safety, and undue hardship issues.

9.13 Definitions for ADA:

Direct threat to safety means a significant risk to the health or safety of the disabled person or others that cannot be eliminated by reasonable accommodation. The obligation of the county to accommodate is limited in the situation. However, a medical opinion for the specific individual would be required.

Disability should be interpreted broadly and refers to a physical or mental impairment that substantially limits one or more major life activities. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a “disabled individual.” Physical or mental impairment does not include impairments that are transitory and minor. Mitigating measures that work to relieve, lessen, or improve an impairment shall not be considered when determining whether and an impairment substantially limits a major life activity except for ordinary eyeglasses or contact lenses.

Reasonable accommodation means any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to perform the essential functions of the position/job.

9.14 Request for Reasonable Accommodation: Any employee may request an accommodation by contacting their immediate supervisor. Any applicant for employment may request reasonable accommodation by contacting the employment specialist in the Human Resources Department. An ADA Accommodation Request Form and Authorization for the Release of Medical Information must be filled out. These forms are available in the HR Department and on-line.

9.15 Reasonable Accommodation Form: The Human Resources Department shall provide persons requesting accommodation with a reasonable accommodation request form. The requestor must complete the form in full and submit it to the Human Resources Department.

9.16 Determination of Disability: When a disability or need for a reasonable accommodation is not otherwise obvious, the county shall require the employee or applicant to provide reasonable documentation about the disability and his/her functional limitations. Documentation shall not be required when a disability is already known or obvious to the person who received the request for accommodation. An authorization of release of medical information to the human resources will be necessary to determine disability status. The Functional Assessment Form must be completed by the physician and submitted along with the request for reasonable accommodation to the Human Resources Department.

The civil section of the Civil/Legal Division may be contacted to assist in determining disability status, if appropriate.

9.17 Interactive Process: Once an employee has requested and accommodation and medical documentation has been received, if applicable, all parties (employee, supervisor, and human resources) shall begin an interactive process to determine what, if any, accommodation(s) should be provided.

9.18 Providing the Accommodation: An accommodation can be provided by the department when the department has the necessary funds, or were otherwise feasible. The Human Resources Department shall brief the commissioners court for approval for accommodations that cannot be provided by the department budget.

9.19 Denial of Accommodation: An accommodation may not be possible if there is an undue hardship for the county/department or the requested accommodation would pose a direct threat to the health and safety of the individual or others in the workplace. If an accommodation is not possible, the employee who is denied the accommodation must be informed of the reasons for denial.

X. PERFORMANCE EVALUATIONS

10.01 Purpose: The performance evaluation is designed to help the supervisor and employee measure how well the employee is doing his or her job; to provide a tool for management decisions regarding assignment, promotion and retention of employees; and to identify performance problems that need to be addressed.

10.02 Performance Evaluation Report: Each regular County employee's work performance should be evaluated at least once a year. An employee may be evaluated more than once a year at the discretion of the Department Head. Evaluations will be performed in the manner described in the Civil Service Rules and Regulations pursuant to a form provided by the Human Resources Department.

10.03 Supervisor's Responsibility: The employee's supervisor will complete the performance evaluation report and meet with the employee in a setting that is private and free of distractions to explain and discuss the evaluation. The supervisor will discuss with the employee any improvements in performance which appear desirable or necessary.

10.04 Employee's Responsibility: Employees must sign the performance evaluation report to acknowledge their participation in the evaluation process, and will receive a copy of the completed form. Employees who are dissatisfied with their evaluation should put their objections in writing and submit copies of this statement to their supervisor and their supervisor's immediate superior, who will review the employee's complaint and determine whether remedial action is warranted. A copy of the performance evaluation report, including any statements by the employee, will be placed in the employee's personnel file.

XI. DISCIPLINE

11.01 Forms of Discipline: In order to allow employees, the opportunity to correct infractions of the rules and regulations, a policy of progressive discipline will be applied to employees to permit those who violate policies or who exhibit unsatisfactory job performance an opportunity to comply with department requirements. Where practical as when it is in the best interest of the County, as reasonably determined by the department head, progressive discipline will be used. However, certain situations require the immediate use of more severe disciplinary action, and the use of progressive sanctions may be inappropriate.

11.02 Employee's Expectations: County employees are expected to conduct themselves responsibly and with propriety in their work. They are further expected to abide by all policies and regulations of the County and of their individual departments. Any departmental policies should be clear and reasonable. Departments should clearly communicate their performance expectations for their employees. Any violations of a policy or any failure to meet performance expectations should be investigated before disciplinary action is taken. Disciplinary action should be taken as promptly as possible under the circumstances and it should be consistently applied.

11.03 Discrimination Prohibited: No disciplinary action may be taken against an employee on the basis of race, color, sex, National origin, age, disability, religion, political affiliation, political association, or for any other discriminatory reason. Except for dismissals during the probationary period, all suspensions, demotions, and terminations must be in accordance with 5.07 Conduct Violations. Civil Service employees are not subject to at-will employment.

11.04 Levels of Discipline: Each department has the authority and responsibility to take disciplinary action against an employee for misconduct or for poor work performance. The levels of disciplinary action are as follows:

1. Counseling Performance Improvement Plan
2. Written Reprimand
3. Suspension/ Demotion/ Termination

11.05 Determination of Discipline: In determining the level of discipline to impose, the department should consider factors relevant to the situation at hand including, but not limited to, the following:

1. The nature and seriousness of the offense;
2. The level of performance of the employee in his/her job duties;
3. The position the employee holds;
4. The employee's employment history, including any previously imposed disciplinary actions which occurred within the previous 24 months as well as any suspensions or demotions that occurred within the previous 36 months.
5. Other similar disciplinary actions within the same department; and
6. The usefulness of progressive discipline given the particular circumstances of the case.

11.06 Resignation in Lieu of Discipline: An employee who faces disciplinary action may voluntarily resign prior to the issuance of a disciplinary action. Resignation shall not be forced upon the employee by the department. If an employee chooses to resign, he/she may submit his/her resignation in writing to his/her department. Resignation will not preclude Webb County from pursuing criminal prosecution or civil remedies in the event of wrongdoing by an employee who resigns.

11.07 Counseling- Performance Plan: Counseling-Performance Plan is the most common method of directing an employee in performing his/her duties. Because the County values their employees, this instrument was created to clarify expectations and help the employee with concrete solutions for achieving them. Counseling-Performance Plan may be done in a one-to-one basis. Employee has the right to submit a written rebuttal.

11.08 Written Reprimand: A written reprimand must state on its face that it is a "written reprimand." It must advise the employee of the misconduct, act, omission, or failure to perform duties that gave rise to

the written reprimand. It also shall advise the employee what corrective action must be taken and that further, more severe, disciplinary action will be assessed if that corrective action is not taken. The employee must sign the written reprimand to acknowledge its receipt, and a copy will be placed in the employee's Human Resource File. In case the employee refuses to sign the written reprimand, a witness may acknowledge that the employee refused to sign and that said employee has received a copy of the reprimand.

11.9 Suspension Define: A suspension is the temporary release from duty of an employee for up to thirty (30) calendar days without pay. A suspension is used when a prior reprimand does not produce satisfactory results in correcting behavior, or when the department determines that a violation of a rule or policy is serious enough to warrant a suspension without prior use of a less severe form of discipline.

11.10 Demotion: A demotion is the involuntary reassignment of an employee to a position with lower pay and, normally, less responsibility. An employee may be demoted when a prior reprimand or suspension does not produce satisfactory results in correcting behavior or performance. An employee may also be demoted when a department determines that the violation of a rule or policy is serious enough to warrant a demotion without the prior use of a less severe form of discipline. Finally, an employee may be demoted when a department determines that the employee cannot or will not adequately perform the duties of his/her position.

11.11 Termination: Termination is the involuntary discharge of an employee. Discharge is appropriate when a prior reprimand, suspension, or demotion does not produce satisfactory results in correcting behavior or performance, or when the department determines that a violation of a rule or policy is serious enough to warrant a termination without prior use of less severe discipline.

11.12 Reassignment in Lieu of Disciplinary Action: At the discretion of the department head, an employee may be reassigned in lieu of disciplinary action. Such reassignment would be appropriate in the event of a personality conflict or other situation that may be remedied by reassigning the employee to another department or to another section within the same department. If the department head proposes to transfer the employee to another department, the transfer must be approved in writing by the receiving department.

11.13 Disciplinary Action within 120 Days: A disciplinary action cannot be taken against an employee for a non-criminal violation that occurred over 120 working days prior to the serving of the Notice of

Proposed Disciplinary Action or a Written Reprimand unless it can be shown that the offensive conduct or omission was actively concealed. Notwithstanding the foregoing, disciplinary action can be taken at any time for criminal activity or for conduct that could expose the County to liability under a State or Federal law or regulation.

11.14 Notice of Proposed Disciplinary Action and Response: Prior to suspending, demoting, or terminating an employee, the department shall provide the employee with a notice of the proposed disciplinary action and provide a reasonable opportunity for the employee to respond in writing. The department should review and evaluate the evidence or circumstances that support the employee's position before the proposed disciplinary action takes place. In appropriate cases where a department issues a Notice of Proposed Disciplinary Action to terminate the employee, the department may send the employee home with pay until a decision is made on the disciplinary action. In these cases, a decision must be made no later than five (5) working days after the Notice of Proposed Disciplinary Action is issued. The department shall prepare a Notice of Proposed Disciplinary Action that includes the following information:

1. The specific rules or policies that have been violated.
2. The specific details of the violation, including the names of witnesses, dates, and times.
3. A statement that the action is proposed and not yet a final decision.
4. A statement that the employee has the right to respond in writing.
5. A statement advising the employee to whom the response should be directed.
6. The date the employee's response is due.
7. The Notice must be signed and dated by the department head or his/her designee.

11.15 Service of the Notice of Proposed Disciplinary Action: The Notice of Proposed Disciplinary Action, if practicable, should be delivered to the employee personally and the employee shall sign for receipt of the notice. If it is impractical to personally deliver the notice, it shall be sent by certified mail, return receipt requested, to the employee's last known address, and delivery is deemed complete at the time of mailing. It is presumed that the employee received the Notice on the date it was signed by the department head or his/her designee. The department must provide a copy of the Notice to Human Resources.

11.16 Employee Response: An employee shall have five (5) working days from the date of delivery of the Notice of Proposed Disciplinary Action to respond as described above. However, if the department has reasonable cause to believe that the employee has committed a crime for which a prison or jail sentence could be imposed, the response time shall be only three (3) working days. In calculating these deadlines, the date of delivery is not counted. If the response is mailed, it must be postmarked by the response date.

11.17 Notice of Disciplinary Action: The Notice of Disciplinary Action shall include the following:
The decision of the department regarding disciplinary action.

1. The effective date of the disciplinary action. If the date is not specified in the Notice, it is deemed to be the day after the Notice is delivered to the employee.
2. The reasons for the disciplinary action.
3. A statement advising the employee of the right to appeal.
4. The identity of the person to whom the appeal should be addressed and delivered.
5. The identity of the person or office from which the employee may obtain any additional information about the employee's rights.

11.18 Action Response: The department has five (5) working days from receipt of the employee's response to send the employee a written Notice of Disciplinary Action. The day of receipt is not counted against the five (5) day limit. The deadline may be extended by agreement of the parties.

11.19 Service of the Notice of Disciplinary Action: The Notice of Disciplinary Action, if practicable, should be delivered in person and a receipt should be signed by the employee. If personal service is not possible or practical, service is deemed complete if the Notice is sent by certified mail, return receipt requested, to the employee's last known address.

11.20 Investigative Administrative Leave: Investigative Administrative Leave is the temporary release from duty for up to ten (10) working days while an investigation is conducted into any serious violation of civil service or department rules or regulations. Investigative Administrative Leave shall be paid leave. The department may place an employee on Investigative Administrative Leave when the conduct in question would, if proven, constitute a crime against Webb County or any of its officials or employees. The period of Investigative Administrative Leave may be extended in increments of ten (10) working

days to allow completion of the investigation. However, in no event shall paid Investigative Administrative Leave continue for a period of more than ninety (90) days.

11.21 Alternatives to Administrative Leave: In appropriate circumstances, the department may transfer the employee to another position while the investigation is conducted. In that event, the employee would continue to be paid at the same rate as his/her regular position.

11.22 Completion of Investigation: Upon completion of the investigation, the employee may be returned to his/her regular position and/or disciplinary action may be taken depending upon the results of the investigation.

11.23 Suspension following Indictment: If a Department Head determines that suspension is in the best interests of the County and the public, the Department Head may suspend without pay an employee indicted for a felony, or accused by information of official misconduct or oppression, until the indictment or information is dismissed or tried and, if tried, until the trial and appeal (if any) are completed. Under no circumstances, will a Department Head suspend an employee with pay.

11.24 Reinstatement: A suspended employee is entitled to reinstatement to the position held before such suspension, without loss of pay or benefits for the period the employee did not work due to such suspension if the indictment or information is dismissed, the employee acquitted, or the conviction reversed on appeal. However, in the case where an employee is a deputy or appointee of an Elected Official no longer in office and the succeeding official does not wish to hire or appoint such deputy or appointee, the reimbursement of pay or benefits will be only for that period in which said employee could have worked for the original Elected Official. The suspension of an employee subsequently reinstated or reimbursed under this subsection is not to be interpreted as a disciplinary suspension.

XII. SEPARATIONS

12.01 Types of Separations: All separations of employees are designed as one of the following types:

1. Resignation;
2. Retirement;
3. Reduction in Force;
4. Elimination of Position;

5. Dismissal; or
6. Death.

12.02 Resignation: An employee who intends to resign must notify his or her Department Head in writing at least fourteen (14) working days prior to the last day of work. An employee who resigns without sufficient notice is subject to having a written reprimand placed in his or her file documenting this violation of personnel policies unless there is a valid reason approved by the Department Head for not being able to give sufficient notice.

12.03 Retirement: There is no mandatory retirement age for employees of Webb County, and employees are encouraged to remain in their respective positions, subject to the requirements of pertinent policies for the performance of their respective duties. Employees should refer to the Retirement Plan manuals, available at the Human Resources Department, for information regarding participation in the plan and other matters relevant to retirement.

12.04 Retire/Rehire: Former employees who are Texas County & District Retirement System Retirees are eligible to be re-hired but only after a separation from County employment for at least Two (2) years. Monthly TCDRS benefits will not be suspended as long as the original termination is bona fide. A bona fide separation means there must be a true separation in service between the County and the employee in which the employer/employee relationship is completely severed for at least a Two (2) year period. There can be no expectation, understanding, agreement, or arrangement that the employee will be hired full time or part-time after he or she retires. Failure to abide by this policy could jeopardize the County's TCDRS plan's qualified status which could subject the County to significant fees, penalties, and additional taxes levied by the Internal Revenue Service.

12.05 Reduction in Force: An employee may be separated for lack of work or funds. In deciding who will be separated from their employment as a result of a reduction in force, the County will consider, but is not limited to, the following factors:

1. the employees' length of service with the County;
2. the performance record of each employee; and
3. qualifications of the employee for remaining positions.

12.06 Elimination of Position: An employee may be separated from his or her employment because of changes in duties or reorganization. Reorganizations are undertaken to increase efficiency, reduce costs,

or to improve service to the public. Reorganizations may only be implemented with the authorization of Commissioners Court. The relative necessity of each position to the organization is considered when positions are considered for elimination.

12.07 Dismissal: An employee may be dismissed at any time when, in the judgment of the Department Head or Elected Official, the quality and performance of his or her work does not merit continuation as a County employee; however, consultation with the HR Department is required before initiating any termination of employment. An at-will employment relationship, standing alone without benefit of recognized exception triggers no due process requirement nor right. Civil Service employees, however, can only be discharged in accordance with the Webb County Civil Service rules and Regulations.

12.08 Employee Separation Form: An Employee Separation Form must be filled out by the supervisor, Department Head, or Elected Official for each employee who is separated, noting the reason for the separation. The Department Head shall keep a copy of the form, submit the original to the Human Resources Department.

12.09 Payroll Attendance Worksheet: Information regarding employee separations must also be reported to the Payroll Clerk on the Payroll Attendance Worksheet.

12.10 Exit Process: An employee whose employment has been terminated must turn in all keys, computer identification information, and passwords to his or her supervisor.

- A. The separating employee is asked to contact the Benefits Department to schedule an exit interview for discussion of employee benefits and right to COBRA coverage.
- B. Employees are responsible for returning items issued to them by Webb County or in their possession or control, including, but not limited to County files or paperwork, employee lists, credit cards, long distance calling cards, keys, manuals, laptops, telephones, pagers, computers, modems, printers, fax machines, uniforms, identification badges, etc. These items must be returned to the Department Head or Elected Official.
- C. Employees must return all County property immediately upon request or upon termination of employment. As permitted by law, the County may withhold from the employee's check or final pay the cost of any items that are not returned as required.

The County may also take all action deemed appropriate to recover or protect its property.

XIII. GRIEVANCES FOR NON-CIVIL SERVICE

13.01 Policy: Employees are encouraged to discuss their work-related concerns with their Department Heads or Elected Officials who have the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level. The grievance procedure outlined herein below is available only to those employees who are not covered by civil service. An at-will employment relationship, standing alone without benefit of recognized exception triggers no due process requirement nor right.

13.02 Grounds for Grievance:

A work related employment complaint shall constitute a grievance and must be addressed in the following matter. Verbal counseling, written reprimand or employee evaluation cannot be the subjects of a personal grievance but an employee may submit a written rebuttal that will be placed in the employee's personnel file.

13.03 Informal Grievance: The first step in the grievance procedure is for the employee to resolve the grievance by an informal conference with his or her immediate supervisor or Department Head within five (5) working days after the events upon which the grievance is based. If informal conference does not result in a resolution of the problem(s) that is satisfactory to the employee, he or she may file a formal grievance. No grievance hearing may be held unless the employee first attempts a resolution of his or her problems through this informal grievance procedure.

13.04 Composition of Grievance Committee: Each member of the Webb County Commissioners Court shall appoint one member of the Webb County Grievance Committee. The Committee member may be an elected Webb County Official, a non-elected Department Head, a Webb County employee, or a member of the general public. Members of the Employee Grievance Committee shall serve at the pleasure of the Commissioners Court or until replaced.

13.05 Committee Presiding Officer: Upon the seating of any new member of the Committee or no less frequently than annually, the Members shall elect a Chairman who shall preside over the meetings and hearings and a Vice Chairman who shall serve if the Chairman is unable to do so.

13.06 Recusal: Any member of the Grievance Committee who is employed in the same department as the grievant shall recuse himself or herself from serving on the Committee for that grievance only. A member shall also recuse himself or herself if he or she is related to the grievant or has any other relationship with the grievant that would give the member's participation even the appearance of impropriety. If the member fails to recuse himself or herself from serving under such circumstances, either party or a member of the Committee may call for a vote of the Committee on the question of recusal. The vote of a majority of the remaining Committee Members voting shall govern. A tie vote shall result in recusal of the Member.

13.07 Formal Grievance: Formal grievances must be in writing and signed by the employee. Grievance forms are available at the Human Resources Department. Completed and signed grievance forms must be submitted to the Human Resources Department no later than ten (10) working days after the events upon which the grievance is based. Grievances filed after that date will not be considered. The exception would be a grievance under Government Code 554 (whistleblowers). The grievance form shall include a brief explanation of the problem that is the basis of the grievance as well as the employee's suggestion for resolving the problem. The grievance form shall include all other information that may be useful in resolving the problem.

13.08 Written Grievance: The Human Resources Department shall provide a copy of the written grievance to the employee's Department Head. At the option of the Department Head, further informal discussions may be held with the grievant prior to the hearing by the Grievance Committee.

13.09 Grievance Hearing Procedures: Grievance hearings shall be scheduled by the Human Resources Department and shall be set for a time and place convenient to the participants. The hearing may recess and reconvene from time to time so as to permit the Committee to complete its work. Minutes of the Committee's proceedings shall be taken by the Human Resources Department, and shall be maintained by that office. Additionally, a video recording shall be made of the grievance hearing and a copy of such recording shall be maintained by the Human Resources Department.

13.10 Format of Grievance Hearing: The grievant shall appear in person and, at his or her option, may have one person present to represent the grievant. The Department Head may be represented by the Webb County Attorney's Office. The grievant shall have the opportunity to present an opening statement, present testimony and evidence, and present a closing statement. The same opportunities shall be extended to the Department Head following the grievant's presentation. The purpose of the hearing is to give the parties a fair and impartial hearing and the Grievance Committee may modify the format of the hearing to achieve that purpose.

13.11 Receipt of Information from Parties: The Grievance Committee shall consider the statements, testimony and evidence offered by the participants. All members of the Committee shall have the opportunity to question the parties or witnesses and to examine any documents or other items presented by the parties.

13.12 Deliberation and Decision: Following completion of the parties' presentation of their cases, the Grievance Committee shall be permitted to deliberate outside the presence of the parties and other participants in the matter in which case the deliberations will not be recorded. The Committee may reconvene the hearing during the course of the deliberations if one or more members wishes to question a party further. A Recommendation of the Committee shall be made by a vote of a simple majority of the members present and shall be committed to writing by the Committee or the Human Resources Department. Copies shall be provided to the grievant and the Department Head within seven (7) working days of the decision. The recommendation may be in favor of either party and it may also make suggestions that might assist in resolving the subject of the grievance.

13.13 Issuance of Recommendation: It shall be the responsibility of the Human Resources Department to provide, within ten (10) working days, a copy of the Committee's recommendation to the governing body or person ultimately responsible for employment decisions over the grievant as follows:

- If the employee is responsible to the Juvenile Board, Auditor's Board, or Purchasing Board, the Grievance Committee decision shall be forwarded to that board, which shall consider the Recommendation at its next meeting or as soon thereafter as practical, and shall make a decision at its earliest convenient opportunity.

- If the employee is responsible to an Elected Official, the Recommendation shall be forwarded to that official who shall act on the matter within three (3) working days of its receipt.
- If the employee is responsible to the Webb County Commissioners Court or if he or she does not answer to the Board of Judges or an Elected Official, the Recommendation shall be forwarded to the Commissioners Court who shall act on the recommendation at its next meeting or as soon thereafter as practical.

13.14 Final Decision: It shall further be the responsibility of the Human Resources Department to ensure that the grievance and the recommendation of the Committee are placed on the agenda of the body that must consider it. That body may consider statements from either or both parties in making its decision and may request guidance the Civil Legal Division. The Human Resources Department shall be responsible for providing written notice to the grievant and the Department Head of the final decision as determined in accordance with the foregoing. The notice shall be forwarded by hand delivery or first class mail no later than the third working day following the decision. If the recommendation of the Grievance Committee is averse to the employee/former employee, that person may elect not to proceed further and the recommendation will not be presented to the ultimate hiring authority.

XIV. PERSONNEL FILES

14.01 General: Employee personnel files shall be maintained by the Human Resources Department. A copy of the employee's personnel files is maintained by each Department Head or Elected Official. The record copy of all personnel information related to an employee shall be filed in the employees' personnel file. Personnel files are the property of Webb County and may not be removed from County Offices by the employee or any other person except for legitimate purposes.

14.02 Disclosure: Most information in an employee's personnel file is open to the public unless disclosure of specific items is prohibited or not required by law. New employees will be asked to sign a Disclosure of Home Address and Telephone Number Form, indicating whether or not they wish to allow public access to their home address and telephone number. No information from any record placed in an

employee's file will be communicated to any person or organization except by the employee's Department Head, the County Auditor, the County Judge, or by an employee authorized to do so by one of these persons.

14.03 Employee Rights: An employee, or his or her representative designated in writing, may examine the employee's own personnel file upon request during normal working hours at the County offices. Exceptions to this policy may be made when the records are related to pending or reasonably expected litigation.

14.04 Correct Information: Employees are expected to inform their supervisors of any changes in or corrections to information recorded in their individual personnel file such as home address, telephone number, person to be notified in case of emergency, or other pertinent information.

14.05 ADA File: A separate file shall be kept for each employee for purposes of records relating to the Americans with Disabilities Act and other such laws or regulations. These files shall be maintained in office of the Human Resources Department.

14.06 Personnel Worksheets: The Personnel Worksheet is the official document for recording and transmitting to the personnel file each personnel action. Each Personnel Worksheet becomes a permanent part of the employees' personnel file, and a copy is given to the employee. This form is used to promote uniformity in matters affecting:

- Position Title and Classification (i.e., Demotion or Promotion),
- Annual Salary (i.e., Pay increase or decrease), and
- Other actions affecting the employee's status (i.e., Separation).

14.07 Contents of Personnel Files: An employee's personnel file shall contain the following:

1. A copy of the employee's application for employment;
2. A signed copy of the employee's acknowledgment of receiving or reviewed the Personnel Policies Handbook, Insurance Handbook, Retirement System Handbook and any other applicable handbook;
3. The job description for the position he or she currently occupies;
4. Personnel Worksheets;
5. Performance evaluation records;

6. Records of any citations for excellence or awards for good performance
7. Records of leave accrued and taken;
8. A copy of the employee's W-4 form or Social Security Card; and
9. Any other pertinent information having a bearing on the employee's status.

14.08 Leave Records: Official records of annual leave and sick leave accrual and of leave usage will be kept for each employee by the Department Head. Leave records are updated at the end of each month. Leave balances are shown on the official record to reflect any remaining leave to which an employee is entitled.

XV. ADDITIONAL POLICIES AND PROCEDURES

15.01 Weapons in the Workplace: With the exception of weapons approved for law enforcement personnel and other employees lawfully approved to carry weapons, county employees are not to possess weapons on county property at any time, including County-owned vehicles. While on duty, employees not affiliated with county law enforcement or otherwise lawfully approved to carry firearms shall not carry a weapon of any type onto county property. Examples of banned weapons include, but are not limited to, handguns, stun guns, knives, mace, pellet guns, rifles, batons, and blackjacks.

15.02 Community Action Agency (CAA) Policies: The following policies apply to the Webb County Community Action Agency:

1. Conflict of Interest: No elected official, department head or employee of Webb County shall vote for or confirm the employment of any person related to that person within the second degree of affinity or third degree of consanguinity, nor shall a person so related vote for or confirm a person who is authorized to employ or supervise such person. This prohibition shall not prohibit the continued employment of a person who has been continuously employed for a period of one year prior to the election or appointment of the officer, employee or member of Commissioners Court related to such person in the prohibited degree unless such continued employment otherwise violates a provision of these personnel policies.

No Webb County Official, employee of CAA, or CAA Advisory Board member may participate in the selection, award, or administration of a contract or subcontract supported by Community Services Block Grant funds if (1) the person, (2) any relative within the second degree of affinity or the third degree of consanguinity, (3) the person's business partner or associate, or (4) any organization which employs or is about to employ any of the above, has a financial interest in the firm or person selected to perform the contract or subcontract.

No employee of CAA may serve on its advisory board.

2. Sectarian Activities: No funds received by Webb County from the Texas Department of Housing and Community Affairs may be used, either directly or indirectly, to support any religious or anti-religious activity.
3. Whistleblower: Webb County, its officials and its employees shall not discriminate or retaliate against any employee or other person who reports a violation of the terms of any contract, law, or governmental regulation to the Texas Department of Housing and Community Affairs or to any appropriate law enforcement authority if the report is made in good faith.
4. Employment by Contractor: No CAA Advisory Board member may be employed by a CAA contractor or subcontractor during his or her service on that board or for twelve months thereafter.

15.03 Statement of Nondiscrimination: The County prohibits discrimination, including harassment, against any employee on the basis of race, color, religion, gender, sexual preference, national origin, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of County policy. Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, that adversely affects the employee's employment.

15.04 Harassment: Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee's race, color, religion, gender, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

1. Has the purpose or effect of unreasonably interfering with the employee's work performance:


2. Creates an intimidating, threatening, hostile, or offensive work environment; or
3. Otherwise adversely affects the employee's performance, environment, or employment opportunities.

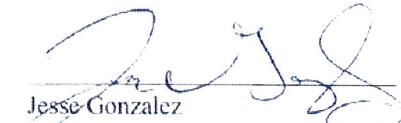
15.05 Retaliation: The County may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a County investigation regarding harassment or discrimination is subject to appropriate discipline.

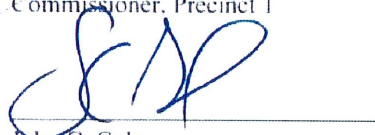
15.06 Reporting Procedures: An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her supervisor, HR Director, ADA/Section 504 coordinator the County Judge.


15.07 State and Federal Requirements: This Manual shall incorporate all those regulations, policies and procedures required under State and Federal law. Such policies shall include, but not limited to, those applicable to the Community Action Agency, the Head Start Program and the Juvenile Department.


ADOPTED THE 22nd Day of March 2021 by Order of the Webb County Commissioners Court.


Tano E. Tijerina
Webb County Judge


Jesse Gonzalez
Commissioner, Precinct 1


John C. Galo
Commissioner, Precinct 3


Rosaura Waw Tijerina
Commissioner, Precinct 2


Cindy Liendo
Commissioner, Precinct 4

ATTEST:


MARGARITA RAMIREZ BARRA

WEBB COUNTY CLERK

DATE: April 9, 2021